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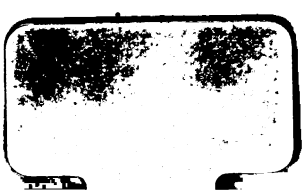

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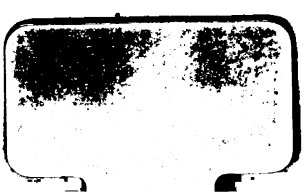

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S. H. 1825
54

THE

RATIONALE OF REWARD.

BY

JEREMY BENTHAM.

LONDON:
PUBLISHED BY JOHN AND H. L. HUNT,
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M.DCCC.XXV.

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BY THE EDITOR.

THE history of the present work is somewhat curious: it is extracted from two sets of manuscripts, differing considerably as to their arrangement; the one in French, and the other in English, written by Mr. Bentham between forty and fifty years ago; and which do not appear to have been ever confronted together.

Both these manuscripts, with Mr. Bentham's papers on Punishment, were, at the desire of M. Dumont, placed in his hands, and, together with some few additions from his own elegant pen, form the matter of the work published by him (at Paris in 1811) under the title of *Théorie des Peines et des Recompenses*. Of this work three editions have been printed in France, and one in England: the "Rationale of Reward" occupies the second volume.

In preparing it for its appearance before the English public, the Editor has taken the

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above volume as the ground-work of his labours; but having availed itself, wherever it could, of the original manuscripts, *his* will, in many instances, not be found a literal translation of M. Dumont's work.

The additions made by M. Dumont are marked out, where distinguishable, by appropriate indications. One of these additions being at variance with Mr. Bentham's *present* opinions, has given rise to the remarks which immediately follow.

EDITOR.

REMARKS BY MR. BENTHAM.

"Catherine's Scale of Ranks:"—"Bentham or Dumont, on Pensions of Retreat?" which you please.—You ask my present thoughts:—I am all obedience. Allow me only to name the place. Not in your work, but let it be in a sequel I am preparing for it. From that which you have so kindly made yours, those wicked thoughts would scare away readers, whom, if content with what you give them from my first friend, that sequel may have a chance for. In that production may be seen, not in description only, but *in terminis*, the arrangements, which, after from forty to fifty years for reflection, exhibit the practical—I do not say the *now practicable*—result of the

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principles of yours: and *that*, cleared (forgive my saying so) of what now shows itself to me as dross. Nor yet will it draw readers from yours;—for in yours alone will be found discussions, explanations, and reasonings at length; in the new one (except where the opposite officially avowed principles are examined) little else than results.

Official Aptitude maximized; Expense minimized. In these words you have the title of a plan of official economy and education that gives denomination to the whole, and an indication of the matter of the first and principal part. Send your readers, if you have any, to that work. There, with official economy, and official education, they may see national growing out of it—added, and *that* without need of additional description or expense. There, confronted with Radical, they may see Whig and Tory Economy, and take their choice. I say Whig and Tory; for these two are one.

As to Catherine and her ranks, they rank not quite so high with me now as then. Pensions of retreat would be invited to make their retreat from your pages, were it not for my respect for editors and readers. In my own work may be seen a picture of them, painted in those colours which now appear to me their proper ones.

"Revise?" Impossible: not to speak of my doing you more harm than good. In

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the French alone, the "Pensions of Retreat" have already cost me—I had almost said lost me—more days than I can endure to think of: I who have so few left, and work enough left for a hundred times the number. What I have found possible, I have done,—looking over the titles of the chapters and sections (still in the French alone) and, in relation to them, submitting what appears to me an appropriate wording, together with some little alterations and additions which presented themselves to me as amendments.

The other Work, mentioned in pages iv. *and* v., *is in the Press.*

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PRELIMINARY OBSERVATIONS.

THE greatest happiness of the greatest number ought to be the object of every legislator: for accomplishing his purposes respecting this object, he possesses two instruments—Punishment and Reward. The theories of these two forces divide between them, although in unequal shares, the whole field of legislation.

The subject of the present work is Reward; and not reward alone, but every other use which can be made of that matter of which rewards may be formed.*

In the following work, the different sources from which rewards may be derived are examined; the choice which ought to be made between the different modifications of which it is susceptible, is pointed out; and rules are laid down for the production of the greatest effect with the least portion of this precious matter.

* Every thing which can be given in the shape of reward may be called *matter of reward*. This abstract term is necessary, since in many cases, without being reward, this matter may be employed for the same purposes as reward; whilst there are other cases in which it ought to be employed for other purposes.

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On the one hand, indication is given of the venom, more or less concealed, which is included in the employments which have too commonly been made of it; and an attempt has been made to take away from others certain imputations which the enthusiasm of virtue has cast upon them.

The limits have been traced between the fields of Reward and Punishment; the springs of that mechanism developed from whence those laws arise to which the power is attributed of executing themselves, and directions given for that combination of remedies, the sweet with the bitter, whereby so happy a union is produced between interest and duty.

The advantages of a system of remuneratory procedure are pointed out; an idea given of the course it ought to take; and an enumeration made of the uses of the matter of reward which are not remuneratory.

The nature and effects of salaries and other official emoluments are enquired into; the nature and degree of the encouragement proper to be afforded to the arts and sciences is discussed; and, finally, the question,—How far it is possible beneficially to apply artificial reward to the encouragement of production and trade, is considered.

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RATIONALE OF REWARD.

BOOK I.

OF REWARDS IN GENERAL.

CHAPTER I.

DEFINITIONS.

REWARD, in the most general and extensive sense ever given to the word, may be defined to be—a portion of the matter of good,* which in consideration of some service supposed or expected to be done, is bestowed on some one, in the intent that he may be benefited thereby.†

* *A portion of the matter of good,* and not a portion of good itself. The cause must be distinguished from the effect;—the means of obtaining pleasures or exemptions from pains, from the pleasures or exemptions from the pains themselves. It is the former alone which the legislator has to bestow.

† Or, since Reward, in a certain sense, is among the number of those names of fictitious entities which cannot be expounded but by paraphrasis, it may be said, that—Reward is given to a man, when in consideration of some service supposed or expected to be rendered by him, a service, which it is intended should be a service, is done to him.

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When employed under the direction of the principle of utility, it operates as a motive for the performance of actions useful to society, in the same manner as, under the same guidance, punishment operates in the prevention of actions to which we ascribe an injurious tendency.

The services, in the production of whichthis precious matter may be employed, may be distinguished into *ordinary* and *extraordinary*.

Ordinary services may be subdivided into regularly recurring, or routine and occasional. By *routine services*, I mean those which, in all the various departments of government, the public functionaries are bound to perform in virtue of their respective offices.

By *occasional services*, I mean those required by the government at the hands of persons not in its employ. They belong almost entirely to the administration of justice, and that branch of the police which is connected with it,—as denouncing offences, prosecuting criminals, giving judicial evidence, and seizing persons accused, &c. To the same head may be referred services rendered to individuals in case of fires, inundations, and shipwrecks: inasmuch as the government is interested in the preservation of every individual in the community, these services may be considered as rendered to it.

To the head of *extraordinary services*, may be referred,—1. Services rendered to the whole community by new inventions giving to the operations of government, in any of its different branches, an increased degree of perfection: such as important improvements in military or naval tactics, fortification or ship building, &c.; in the mode of administering justice, regulating the police, or the

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finances, or in any other part of the field of legislation.

2. Services rendered in time of war, by the seizure or destruction of objects contributing to the power of the enemy, or by the preservation of such as belong to one's own country.

3. Services rendered by persons exercising the office of foreign Ministers, consisting in the prevention or termination of the calamities of war, or in the bringing about useful alliances.

4. Discoveries of great importance to the augmentation of the national wealth; new methods of abridging labour; the introduction of new branches of industry, &c.

5. Discoveries in science, which are not susceptible of immediate application to the arts.

6. Noble actions and distinguished instances of virtue: in considering which not only the immediate benefit should be regarded, but their influence, as examples, upon the cultivation of similar excellencies.

Such is the field of services: such, therefore, is the field of reward.

With regard to rewards, the most important division is into *occasional* and *permanent*. The first are applied, according to times and circumstances, to a single individual, or to a number of individuals, in virtue of some insulated and specific service. The others are charged upon some general fund provided for an indefinite number of persons, and for a succession of services.

In consequence of the extent and permanence of their effects, it is principally with regard to the latter class of rewards that it will be found of importance to establish the true principles which ought to regulate their distribution. Occasional rewards being confined within narrower limits and

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their effects more transitory, erroneous views respecting them are comparatively of trifling consequence.

The most extensive use of the matter of reward takes place in transactions between individuals. In the case of personal services which are performed in virtue of a contract, the pay given to him by whom they are rendered, is his reward. In buying and selling, the reciprocal delivery is the reward for the mutual transfer. But the public, that is to say the government on account of the public, has a demand for a variety of services and goods exactly similar to those of which an individual stands in need: and it is thus that the most advantageous mode of employing the matter of reward, even in the ordinary course of business, enters into the sphere of politics, and claims the attention of the legislator.

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CHAPTER II.

MATTER OF REWARD—SOURCES.

Between the four objects—delinquency, punishment, expenditure, and reward, there is an intimate connection. He who knows thoroughly the nature and possible modifications of any one, knows thoroughly the nature and possible modifications of all the rest. Why so? because they are all of them but so many modifications of good and evil,—of the instruments or causes of pain and pleasure considered in a particular point of view. Whatever mischief being produced contrary to the will of the legislator, takes the name of an offence, the same when produced in pursuance of that will (so it be with a direct intention on his part that the party shall be a sufferer by it) takes the name of punishment. Reward is to good, what punishment is to evil. Reward on one part supposes expenditure on the other. Whatever is received by one party on the footing of reward, is expended by some other. When a view then is given of the several possible modifications of offence, a view is at the same time given in reality, if not in name, of the several possible modifications of reward.

This may at first sight appear a paradox; but as the absence of good is comparatively an evil, so the absence of evil is comparatively a good: the notion therefore of evil, and of all sorts of evil, is included in the notion of reward.

The several modifications of the matter of reward, may be comprised under four heads:—

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1. The matter of wealth; 2. Honour; 3. Power; 4. Exemptions. In respect of the employment of the direct mode for affording pleasure, it belongs not properly to political,* but to domestic government or education.

1. *The matter of wealth.* *Money* or *money's-worth* is by much the most common stuff of which rewards are made; and in general the most suitable of which they can be made: why it is so will appear hereafter.

2. *Honour.* Honour may be made out of any stuff. In some cases, it is produced by the bearing a particular title not hereditary—as the name of the office a man holds. In other cases, it is hereditary, and places the individuals bearing it in a distinct rank, superior to that of the other classes—as in the case of the nobility. In other cases, it is unaccompanied with any distinguishing denomination, or any particular title—as in the case of medals, or public thanks conferred after any great victory, in the name of the king and parliament.

A graduated scale of ranks, especially when its gradations are determined by merit, and depend upon actual service, is an excellent institution. It creates a new source of happiness, by means of a tax upon honour, almost imperceptible to those by whom it is paid—it augments the sum of human enjoyment—it increases the power of Government, by clothing its authority with benignity—it opens new sources for the exercise of hope, the most precious of all possessions; and it

* Whether wisely or not, it is, however, in some countries employed by the Government itself. Under the Consulate Government of France, fêtes were given at the expense of the Government in each year, on what were called the *jours complimentaires*. The principal part of the expense of the Opera at Paris, is said now to be defrayed by the government.

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nourishes emulation, the most powerful of all incentives to virtuous actions.

Such a graduated scale of ranks has, at all times, been in use in the military branch of the public service. But in this case, the principal object is not honour, but power—superiority in rank is invariably accompanied by superiority in command. The honour which accompanies the power is but an accidental appendage.

Catherine II. extended the application of this arrangement to the civil service. She distributed all the public officers in the civil department into distinct, and even numerical classes, corresponding with the distribution of rank in the army;—secretaries, judges, physicians, academicians, all the civil functionaries, being advanced by steps, a perpetual state of emulation and of hope stimulated their labours throughout the whole course of their career. It was an invention in politics, which matches the most ingenious discovery in art that the present century has witnessed. At one stroke, without violence or injustice, hereditary nobility was deprived of the greater part of its injurious prerogatives. The foremost in rank and wealth began his career at the lowest step: his ascent through each gradation depending upon the appointment of the sovereign, if without merit, he was left behind, while men of the most obscure birth took precedence of him. This engine was the more powerful from the gentleness with which it operated. The simple non-collation of reward, performing the office of punishment.

Another advantage gained by the transference of the denominations of the military ranks into the civil service is, that the respect borne by the military to the civil functionaries, is thus in no small degree increased. It is an ingenious artifice for

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conquering the barbarous and absurd contempt for civil functions which prevails in all military governments. The assimilation of ranks naturally leads to the assimilation of respect. From the time that this arrangement was made, the nobility were seen eagerly to engage in offices, which before they had regarded with disdain.

Orders of knighthood appear like floating fragments detached from some such regular system of honorary rewards.

In some states, an order of knighthood has been established under the title of "*The Order of Merit.*" It might be supposed, that this order had been established as a jest, by way of satire upon all other orders: not so, however: whatever ridicule there may be falls exclusively upon those who are members of this order: of all orders it is the least distinguished: the nobility are not candidates for admission; they consider it derogatory to their *birth.* It is the reward of, it may be purchased by, *service.*

The higher ranks of knighthood, are they to be considered as rewards? Are they public rewards? To this question it appears difficult to give a decisive answer. They are bestowed for so great a variety of reasons, that to give any description of them, which shall be applicable to all cases, is impossible. They are sometimes given for the performance of distinguished services; but much more generally to courtiers and men of rank, who are the companions of the sovereign, to increase the splendour of his court. In these cases, the merit proved is, that the individual has made himself agreeable to the sovereign. But if persons thus decorated claim distinctions not belonging to other members of the community; if every one must yield them precedence, ought not some pub-

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lic reason to be given for creating this superiority, for this comparative degradation of the largest portion of the community? Ought such drafts upon the respect of the public to be drawn in favour of an individual, till it has been shown that he has rendered services to entitle him to this special homage? When thus conferred, is not a resource that might yield important fruits employed with bad economy? We shall return to this subject.

3. *Power.* The principles which ought to regulate the distribution of this great object of human desire, belong to the head of constitutional law, rather than to our present subject. Power is created for a purpose altogether different from that of serving as matter of reward. Merit is not the only consideration by which its distribution must be governed.

Under a monarchical government, for example, the inconveniences attending the election of a king may be so serious, that the supreme power ought to be attached to some qualification more manifest and indispensable than the personal merit of an individual. In a mixed government, also, in which there is a chief magistrate, and a body of hereditary nobles invested with certain powers, it may be thought proper that this body should be composed of many members; but the more numerous, the less susceptible is it of that sort of selection which supposes in each individual distinguished merit.

Thus far, however, we may determine in general, viz. that power wherever it can be employed without inconvenience, as matter of reward, ought to be so employed.

In thus using it, the difficulty is to select any act or event that shall serve as evidence of the ca-

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pacity of individuals, for exercising the power with which they may come to be invested. In public employments, for example, how various are the talents required, for the possession of which no single act can be considered as satisfactory evidence. Were this not the case, the greater number of public employments might be conferred as rewards for the performance of some determinate service, respectively relating to them.

In the Gazette, notices might be given, couched in the following terms,—"Whoever produces the most perfect die, shall be placed at the head of the Mint."—"Whoever produces a model of the most serviceable piece of artillery, shall be placed at the head of the Ordnance."—"He who constructs the swiftest sailing vessel, united with the most perfect means of attack and defence, shall be placed at the head of the naval architecture."—"The author who writes the best treatise upon commerce, finances, or the art of war, shall be placed at the head of the Board of Trade; shall be first lord of the Treasury, or Commander-in-Chief, respectively. He who writes the best treatise on the laws, shall be made Chancellor."

At first view, nothing can be more captivating than such a plan; but upon the slightest examination it will be found more specious than solid. Why? because it is by no means uncommon for a man who is in an emiment degree endowed with one of the qualities requisite, to be altogether destitude of others equally indispensible.

There are, besides, cases in which even this imperfect mode of proof is altogether wanting. During a long period of tranquillity, by what describable service can a military man display his talents for command? Among the qualities most essential for such a duty, presence of mind, enlarged views,

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foresight, activity, courage, perseverance, personal influence, &c. &c.; by what specific act can an officer who has seen no service, show himself to be possessed of any of these qualifications? We are reduced then to mere conjecture. The best founded opinions are drawn from his habits of life, his attachment to his profession, and above all the confidence reposed in him by those who are engaged in the same profession, whose opinion is founded upon a multiplicity of acts, which in the aggregate constitute his character.

Discernment, or the art of judging of individual capacity, is a rare quality, whose use it is impossible to supersede by general rules.

A slight advance might perhaps be made in this difficult art, did we possess a catalogue of *the indications of talents or capacity*, as connected with the various departments of state.*

* For the illustration of the ideas of the author upon this subject, I had prepared a note, in which I had collected together various instances of the prompt display of that subtle and penetrating talent which detects the possession of qualities, undiscernible to ordinary eyes. To avoid, however, engaging in too long a discussion, I shall confine myself to a single instance. A person well acquainted with anecdotes relating to the Russian court, gave me, while I was at Petersburgh, the following account of the origin of the success of the High Chancellor Besborodko.—Being still in a subordinate office belonging to the Chancery, one day, when he had presented various Ukases to the empress, (Catherine II.) he perceived that he had forgotten to compose one that he had been particularly commanded to prepare. His first alarm being over, he determined how to act, and pretended to read the Ukase in question, though he held in his hand only a sheet of blank paper. The empress was so well satisfied with the performance, that she desired to sign it immediately. The disconcerted clerk was compelled to acknowledge his neglect. The empress, less offended with the imposition than struck by the presence of mind which it displayed, forthwith placed him at the head of the department, in which before he had held only a subordinate situation.—*Dumont.*

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4. *Exemptions.*—The legislator creates two sorts of evils; he appoints punishment for offences; he imposes burthensome duties upon the various members of the community. Hence, exemptions may be of two kinds:—exemptions from punishment already incurred,—exemptions from civil buthens.

An exemption from punishment already incurred, is a pardon;—pardons have often been given in the way of reward, that is, in consideration of former services. Such acts cannot be foreseen and provided for by anticipation: they are the result of the discretion entrusted in this behalf to the sovereign.

Under the English law, however, there are instances in which, by anticipation, exemption from punishment is granted, that is to say, before the punishment is inflicted. Thus, from the policy or weakness of the temporal sovereign, the English clergy obtained in times of barbarism an exemption in all cases from capital and several other kinds of punishment; an exemption which being by statute law confined, in regard to causes on the one hand, while by common law it was extended, with regard to persons on the other, has left this part of the penal branch of the law in the confusion under which it still labours.*

The nobility followed the example of the clergy. In almost every country of Europe they have found themselves invested with exemptions

* In Poland, the poor gentlemen serve as domestics to the wealthy nobility: they perform without scruple all the menial offices that are reckoned by us as most degrading. There was only one thing about which they were solicitous, and which distinguished them from the class of slaves: it was that they should not be beaten except when stretched upon a mattrass.

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of this nature. Ancient Rome set the example. No citizen could be put to death. Verres, convicted of the most atrocious crimes, atoned for them by enjoying at a distance from Rome the fruits of his plunder.

When Catherine II., empress of Russia, convened together deputies from all the provinces of that immense empire, under the pretence of their assisting in the formation of a code of laws (a sort of parody of the legislative assemblies of free states, which was not however without its use, in so far as it contributed to the spread of enlightened ideas) she conferred upon them, amongst other privileges, an exemption from all corporal punishment, cases of high treason excepted. This species of distinction, which as a reward for legislators, could scarcely be imagined in any other state than one just emerging from a state of barbarism, had doubtless for its object the increasing their self importance, and the conferring upon them a sort of rank which should last beyond the duration of their duty.

As a man may be punished in his person, his reputation, his property, in like manner, through necessity and not with the view of punishing him, he may be burthened. An exemption from a burthen is an exemption from the obligation of rendering service: services are either services of submission, in the rendering of which the will of the party has no share, or services of behaviour.

Of exemption from services of submission, not exacted in the way of punishment, we shall not find a great variety of examples. In Great Britain, members of the upper house of parliament and other peers constantly, and members of the lower house, at certain periods, are exempted from arrests: this privilege they may be considered as

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enjoying partly on the ground of satisfaction, partly that they may not be diverted from the exercise of their functions, and partly because, being members of the sovereign body, they would have it so.

Among services performed by action, are some which may be styled services of respect. It is a service of respect exacted by usage in every kingdom in Europe not to wear a hat, or what is equivalent, in the presence of the king. In Spain, some families among the nobility enjoy the privilege of remaining covered in the presence of the king. In Ireland the head of one family (the family of the De Courcys, earls of Kinsale) enjoys the like exemption, as a reward for some service rendered by an ancestor.

By a British statute, he who apprehends and prosecutes to conviction, a criminal of a certain description, received amongst other rewards an exemption from parish offices, together with the privilege of transferring that exemption to another.

By other British statutes, persons who have borne arms for a certain length of time in the service of the state, were exempted from the obligation of those laws which, lest industry should be too common, forbade a man from working for his own benefit at a trade at which he had not worked seven years for the benefit of another.

There are various other exemptions of the same nature: but as the object here is not to give an exhaustive view of these several exemptions, but merely a few instances to serve by way of example, the above specimens may suffice.

One general observation applies to all cases of exemptions from general obligations imposed by law: it is, that the more severe the laws the

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more abundant, as drawn from this source, is the fund of reward. It may be created by a mere act of restitution, by the rendering of justice: to some may be given what ought to be left for all: conditions may be annexed to what ought to be given gratuitously. The greater the mass of injustice inflicted, the greater the opportunity for generosity in detail. The oppressive government of one sovereign is a mine of gold to his successor. In the church, it is the good works of their predecessors—in the state, it is their bad works, that increase the treasure of their successors. In Russia and in Poland emancipation is a very distinguished reward. A tyrant may reward by doing less mischief.

One word on the last article of reward—*Pleasures.* Punishment may be applied in all shapes to all persons. Pleasure, however, in the hands of the legislator, is not equally manageable: pleasure can be given only by giving the means by which it is purchased: that is to say, the matter of wealth which every one may employ in his own way.

Among certain barbarous or half civilized nations, the services of their warriors have been rewarded by the favours of women. Helvetius appears to smile with approbation at this mode of exciting bravery. It was perhaps Montesquieu that led him into this error. In speaking of the Samnites, among whom the young man declared the most worthy selected whomsoever he pleased for his wife, he adds that this custom was calculated to produce most beneficial effects. Philosophers distinguished for their humanity; both of them good husbands and good fathers, both of them eloquent against slavery, how could they speak in praise of a law which supposes the slavery of the best half of the human species?

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How could they have forgotten that favours preceded by an uncontrolled choice, and wl the heart perhaps repelled with disgust, affor the spectacle rather of the degradation of woman than the rewarding a hero? The warrior surrounded by palms of honour, could he descend to act the part of a ravisher? And if he disdained this barbarous right, was not his generosity a satire on the law?*

Voltaire relates with great simplicity that at the first representation of one of his tragedies, the audience, who saw the author in a box with an extremely beautiful young duchess, required that she should give him a kiss, by way of acknowledging the public gratitude. The victim, a partaker in the general enthusiasm, felt apparently no repugnance to make the sacrifice: and, without the intervention of the magistrate, we may trust to the enthusiasm of the sex, and their passion for distinction, for preferences that may animate courage and genius in their career.

* In the Koran, Mahomet permits to his followers to add to the number of their concubines, which otherwise is limited, the captives whom they can take in battle. It was not thus the Scipios and Bayards made use of their victories. Such is the difference between barbarism and civilization.

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CHAPTER III.

OF REWARD AND PUNISHMENT COMBINED.

THERE are some cases in which it would be improper to employ either reward or punishment alone. They are those in which the two forces may with advantage be united: in which the legislator says to the citizen—obey, and you shall receive a certain reward: disobey, and you shall suffer a certain punishment.

The two modes may be properly united when the service required by the law depends for its performance upon a small number of persons in virtue of the peculiar circumstances in which they happened to be placed. If, for example, the object be the securing a delinquent at the moment that he is about to commit an offence, to inform against him or to prosecute him—it will be found expedient in order to ensure the rendering of such services, to combine with a reward for their performance, a punishment for their omission.

In such cases, punishment is useful in two ways: beside the effect produced by its own force, it also sustains the value of the reward. There is a very strong prejudice in the public mind against persons who accept pecuniary reward for the performance of such services; but when a penal motive is added, the public resentment is abated, if not altogether removed. The prosecution of a criminal for the sake of the pecuniary benefit derivable from it is generally regarded as discreditable; but he who undertakes the prosecution to avoid being himself punished, will be considered at least as excusable.

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The desire of self-preservation is called a natural propensity, that is to say is regarded with approbation. The desire of gain is a propensity not less natural, but in this case, although more useful, it is not regarded with the same approbation. This is a mischievous prejudice, but it exists, and it is therefore necessary to combat its influence. We must treat opinions as we find them, and not act as though they were what they ought to be. This is not the only instance in which it is necessary to put a constraint upon men's inclinations, that they may be at liberty to follow them.

An instance of the judicious mixture of reward and punishment is furnished by the practice pursued in many schools, called *challenging*. All the scholars in the same class having ranged themselves around the master, he who stands at the head of the class begins the exercise: does he make a mistake, the next to him in succession corrects him and takes his place; does the second not perceive the mistake, or is he unable to correct it, the privilege devolves upon the third, and so of the rest. The possession of the first place entitling the holder to certain flattering marks of distinction.

The two incitements are in this case most carefully combined. Punishment for the mistake: loss of rank. Reward for the informer: acquisition of that same rank. Punishment for not informing: loss of rank the same as for the offence itself.

If, under the ordinary discipline of schools, in the case where the scholar has no natural interest which should induce him to point out the mistakes of his associate, it were attempted to produce these challenges by the force of reward alone, the opinion which the general interest would create would oppose an obstacle to the reception of the reward most difficult to overcome: but when the

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young competitors have to say in their defence, that they have depressed their neighbour merely to avoid being depressed themselves, they are relieved from all pretence for reproach: every one without hesitation abandons himself to the suggestions of his ambition, and, under the sanction of the law, honour combats with unrestrained impetuosity.

This ingenious expedient for exciting emulation is one among the other advantages of numerous classes. In the private plan of education there are seldom actors in sufficient number for the performance of this comedy.

The most favourable opportunities for legislation are those in which the two methods are so combined, that the punishment immediately follows the omission of the duty, and the reward its performance.

This arrangement presents the idea of absolute perfection—why? Because to all the force of the punishment is united all the attractiveness and certainty of the reward.

I have said *certainty:* but this requires to be explained. Denounce a punishment for such or such acts: the only individual who cannot fail to know whether or not he has incurred the punishment is interested in concealing his having incurred it. On the other hand, offer a reward, and the same individual finds himself interested in producing the necessary proofs for establishing his title to it. Thus a variety of causes contribute to the failure of punishment—the artifices of the person interested, the prejudices against informers, the loss or failure of evidence, the fallibility or mistaken humanity of judges—while to the attainment of reward no such obstacles occur: it operates then upon all occasions with the whole of its force and certainty.

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Before a celebrated law, which we owe to Mr. Burke, the lords of the treasury were charged, as they still are, with the payment of the salaries of certain of the public servants. Justice required that all should be paid in the same proportion as funds for that purpose were received. But no law was as yet in force to support this principle. As might naturally be expected, all sorts of preferences had place. They paid their friends first, and it cannot be supposed they forgot themselves. When the funds set apart to this service were insufficient, the less favoured class suffered. The delays of payment occasioned continual complaints. How would an ordinary legislator have acted? He would have enacted that every one should be paid in proportion to the receipts, and that his regulations might not be wanting in form, he would have added a direct punishment for its breach; without enquiring if it were easy to be eluded or not. Mr. Burke acted differently: he arranged the different officers in classes; he prepared a table of preference, in which the order is the inverse of the credit which they might be supposed to possess. The noble lords, with the prime minister at their head, bring up the rear, and are prohibited from touching a single shilling of their pay till the lowest scullion has received every penny of his.

Had he permitted these great officers to pay themselves, and prescribed his table of preference for the rest, under the penalty of losing a part of their salaries, what embarrassment, what difficulties, what delays! Who would undertake the odious task of informer? How many pretences of justification would they not have had? Who would have dared to attack the ministers? In this arrangement of Mr. Burke, till they have fulfilled their duty, they lose the enjoyment of all their salary; they lose it without enquiry and without embar-

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rassment. Thus rendered conditional, their salary becomes in reality the recompence of their regularity in paying the others.

The advantages of this invention may be thus summed up. Their salary, depending upon the performance of the service, is no longer a barren gratification, but a really productive reward. The motive has all the *force* belonging to punishment: by the suspension of payment it operates as a fine. It possesses all the *certainty* of a reward: the right to receive follows the completion of the service, without any judicial procedure.

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CHAPTER IV.

OF THE UNION OF INTEREST WITH DUTY, AND OF SELF-EXECUTING LAWS.

WHAT has been said in the preceding chapter will seem to elucidate the meaning of the above two expressions, which, though in familiar use with political writers, have never yet been completely explained.

The legislator should, say they, endeavour to unite interest with duty: this accomplished, they consider perfection as attained. But how is this union to be brought about? What constitutes it? To create a duty and affix a punishment to the violation of it, is to unite a man's interest with his duty, and even to unite it more strongly than by any prospect of reward. But this is not, universally at least, what they mean; for if punishment alone were sufficient for the establishment of the desired connection between interest and duty, what legislator is there who would fail in its accomplishment? What would there be to boast of in a contrivance which surpasses not the ingenuity of the most clumsy politician?

In this phrase, by the word *interest*, *pleasure* or *profit* is understood; the idea designed to be expressed is, the existence of such a provision in the law as that conformity to it shall be productive of certain benefits which will cease of themselves so soon as the law ceases to be observed.

In a word, the union in question is produced whenever such a species of interest can be formed as shall combine the *force* which is peculiar to pu-

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nishment with the *certainty* which is peculiar to reward.

This connection between duty and interest, is to a high degee attained in the case of pensions and places held during pleasure. Let us suppose, for example, that the continuance of the pension is made to depend upon the holder's paying at all times absolute obedience to the will of his superior. The pensioner ceases to give satisfaction—the pension ceases; there are none of the embarrassments and uncertainties attendant on ordinaay procedure. There are no complaints of disobedience made against persons thus circumstanced. It is against the extreme efficacy of this plan, rather than against its weakness, that complaints are heard.

In some countries, by the revenue laws, and particularly in the case of the custom-house duties, it is not uncommon to allow the officers, as a reward, a portion of the goods seized by them in the act of being smuggled. This is the only mode that has appeared effectually to combat the temptations to which they are perpetually exposed. The price which it would be worth while for individuals to offer to the officers for connivance, can scarcely equal, upon an average, the advantage they derive from the performance of their duty. So far from there being any apprehension of their being remiss in its discharge when every instance of neglect is followed by immediate punishment, the danger is lest they should be led to exceed their duty, and the innocent should be exposed to suspicion and vexation.

The legislator should enact *laws which will execute themselves.* What is to be understood by this? Speaking with precision, no law can execute itself. In a state of insulation a law is inoperative: to produce its desired effects, it must be supported and

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enforced by some other law which in its turn requires for its support the assistance of other laws. It is thus that a body of laws forms a group, or rather a circle, in which each is reciprocally supported and supports. When it is said, therefore, that the law executes itself, it is not meant that it can subsist without the assistance of other laws, but that its provisions are so arranged, that punishment immediately follows its violation, unaided by any form of procedure: that to one offence another more easily susceptible of proof, or more severely punished, is substituted.

Mr. Burke's law, which has already been mentioned, is justly entitled to be ranked under this head. The clause which forbids the ministers and treasurers to pay themselves till all other persons have been paid, possesses in effect the properties of a punishment annexed to any retardation of payments: a punishment which commences with the offence, which lasts as long as the offence, which is inflicted without need of procedure; in a word, a punishment, the imposition of which does not require the intervention of any third person.

Before the passing of this law, large arrears on the civil list were allowed to accumulate; their accumulation bore the character merely of a simple act of omission, which could not be classed under any particular head of offence, and the evil of which might moreover be palliated by a thousand pretexts. After the passing of this law, the ministers, it is true, might still, in spite of the law, continue to give to themselves a preference over the other creditors on the civil list: there is no physical force other than existed before to prevent them: but in virtue of this law, any such preference would be a palpable offence; a species of peculation, which would be strongly reprobated by public opinion.

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Another example is furnished by the laws respecting the payment of stamp duties. These laws are represented as among the number of those which execute themselves, and are panegyrized accordingly. This is true with regard to so much of these taxes as is levied upon contracts and law proceedings. Let us explain their mechanism. The sanction given to private contracts, and the protection afforded by the law to person and property, are services which the public receives at the hands of the ministers of justice. The method in which these duties then are levied is this: these services are at first refused to all persons without exception; they are then offered to all persons who, at the price set upon them, have the means and inclination to become purchasers. Thus a protection which might be considered as a debt due from the state to all its subjects, is converted into a reward, by means of the precedent condition annexed to it. This is not the time for examining whether this duty, which palpably amounts to the selling of justice, is a judicious tax: all that is here necessary to be observed is, that the payment is ensured by the security it affords, and the danger with which the omission is accompanied.

To range over the whole field of legislation, in order to ascertain the different cases in which this species of political mechanism has been employed, or in which it might be introduced with advantage, does not belong to our present subject:—general directions might easily be framed for the construction of self-executing laws, and their application might occupy a place in "*The recreations of legislation.*"

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CHAPTER V.

MATTER OF REWARD—REASONS FOR HUSBANDING.

If it be proper to be frugal in the distribution of punishment, it is no less proper to be so in the distribution of reward. Evil is inflicted in both cases. The difference is that punishment is an evil to him *to whom* it is applied:—reward, to him *at whose expense* it is applied. The matter of reward and the matter of punishment spring from the same root. Is money bestowed as a reward? Such money can only arise from taxes or original revenue; can only be bestowed at the public expense:—truths so obvious, that proof is unnecessary; but which ought on all occasions to be recollected, since, all other circumstances being equal, to pay a tax to a given amount is a greater evil than to receive it is a good.

Rewards consisting in honour, it is commonly said cost nothing. This is, however, a mistake. Honours not only enhance the price of services, (as we shall presently see) they also occasion expenses and burthens which cannot be estimated in money. There is no honour without pre-eminence; if then, of two persons, for example, who are equal, one profits by being made the higher, the other suffers in at least equal proportion by being made the lower of the two. With regard to honours which confer rank and privileges, there are commonly two sets of persons at whose expense honour is conferred: the persons from amongst whom the new dignitary is taken, and the persons,

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if any, to whom he is aggregated *by his* elevation. Thus the greater the addition made to the number of peers, the more their importance is diminished; the greater is the defalcation made from the value of their rank.

The case is similar with regard to *power*. It is by taking away *liberty* or *security*, that *power* is conferred; and the share of each man is the less, the greater the number of co-partners in it. The power conferred in any case must be either new or old: if new, it is conferred at the expense of those who are subject to it; if old, at the expense of those by whom it was formerly exercised.

Exemptions given in the way of reward, may appear at first sight but little expensive. This may be one reason why they have been so liberally granted by short-sighted sovereigns. It ought however to be recollected, that in the case of public burthens, the exemption of one increases the burthen on the remainder: if it be honourable to be exempted from them, it becomes a disgrace to bear them, and such partial exemptions at length give birth to general discontent.

The exemptions from arrest for debt, enjoyed by members of parliament, are a reward conferred at the expense of their creditors. Exemptions from parish offices and military services are rewards conferred at the expense of those who are exposed to the chance of bearing them. The burthen of exemptions from taxes falls upon those who contribute to the exigencies of the state.

A privilege to carry on, in concurrence with a limited number of other persons, a particular branch of trade, is an exemption from the exclusion which persons in general are laid under with reference to that trade; the favour is shewn at the expense of the persons who are sharers in the privilege.

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If there be an instance in which any modification of the matter of reward can be conferred without expense, it will be found among those which consist in exemption from punishment. When an exemption of this sort is conferred, the expense of it, if there be any, is borne by those who are interested in the infliction of the punishment: that is, by those in whose favour the law was made, which the punishment was intended to enforce. But if by the impunity given, the sanction of the laws is weakened and crimes consequently multiplied, the pardon granted to criminals is dearly paid for by their victims.

The evil of prodigality is not confined to the diminishing the fund of reward: it operates as a law against real merit. If rewards are bestowed upon pretended services, such pretended services enter into competition with real services. He succeeds best, who aims not to entitle himself to the gratitude of the people, but to captivate the good will of him at whose disposal the fund of reward is placed. Obsequiousness and courtly vices triumph over virtue and genius. The art of pleasing is elevated at the expense of the art of serving.

What is the consequence? real services are not performed, or they are purchased at extravagant prices. It is not sufficient, that the price paid for them be equal to that of the false services; beyond this, there must be a surplus to compensate the labour which real services require. "If so much is given to one who has done nothing, how much more is due to me who have borne the heat and the burthen of the day?—If parasites are thus rewarded, how much more is due to my talents and industry?"—Such is the language which will naturally be employed, and not without reason, by the man of conscious merit.

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It is thus that the amount of the evil is perpetually accumulating. The greater the amount already lavished, the greater the demand for still further prodigality; as in the case of punishment, the more profusely it has been dealt out, the greater oftentimes is the need of employing still more.

When by the display of extraordinary zeal and distinguished talents, a public functionary has rendered great services to his country, to associate him with the crowd of ordinary subordinates is to degrade him. He will feel in respect of the fund of reward, in the same manner as the disposer of it ought to have felt. He will consider himself injured, not only when anything is refused to him, but when anything is bestowed upon those who have not deserved it.

A profuse distribution of honours is attended with a double inconvenience: in the first place it deteriorates the stock; and in the next, it is productive of great pecuniary expense. When a peerage, for example, is conferred, it is generally necessary to add to it a pension, under the notion of enabling the bearer to sustain its dignity.

It is thus that the existence of an hereditary nobility tends to increase the price necessary to be paid in the shape of reward: has a plebeian rendered such services to his country as cannot be passed by with neglect, the first operation is to distinguish him from men of his own rank, by placing him among the nobility. But without fortune, a peerage is a burthen: to make it worth having, it must be accompanied with pecuniary reward: the immediate payment of a large sum would be too burthensome: posterity is therefore made to bear a portion of the burthen.

It is true, posterity ought to pay its share in the

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price of services of which it reaps a share of the advantage; but the same benefit might be procured at a less expense, if there were no hereditary nobility, personal nobility would answer every purpose. Among the Greeks, a branch from a pine tree, a handful of parsley,—among the Romans, a few laurel leaves, or ears of corn, were the rewards of heroes.

Fortunate Americans! fortunate on so many accounts, if to possess happiness it were sufficient to possess every thing by which it is constituted, this advantage is still yours: preserve it for ever, bestow rewards, erect statutes, confer even titles, so that they be personal alone; but never bind the crown of merit upon the brow of sloth.

Such is the language of those passionate admirers of merit who would gladly see a generous emulation burning in all ranks of the community; who consider every thing wasted which is not employed in its promotion. Can anything be replied to them? If there can, it can only be by those who, jealous of the public tranquillity, as necessary to the enjoyments of luxury, and more alarmed at the folly which knows no restraint than at the selfishness which may be constrained to regulate itself, would have, at any price, a class of persons who may impose tranquillity upon those who can never be taught.

In some states, the strictest frugality is observed in the distribution of rewards; such in general has been the case under republican governments; though it is true, that even in democracies, history furnishes instances of the most extravagant prodigality and corruption. The species of reward bestowed by the people upon their favourites with the least examination is power; a gift more precious

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carred in the carrying on of a war. I advise every one who has projects upon the public money, to employ this argument in preference to every other: when one calculates the immense sum expended during a single campaign, either by land or sea; when we reflect on the millions that vanish in sound and smoke, all other profusion sinks into insignificance. When we behold the treasures of a nation flowing away in such rapid torrents, can any great indignation be felt against those who, by art, or obsequiousness, or court favour, detach from the mass a single drop or a small stream for their own benefit? If the people so readily lend themselves to the gratification of political passions; if they part so freely with their gold and their blood, for the momentary gratification of their vengeance or their passion for glory, can it be expected they will murmur at the pomp they covet, and the few insignificant favours which their prince bestows? Will they be supposed so mean as to be niggard with pence and lavish with millions?

This mode of comparison is not new to courts: it ought to have been familiar to Louis XIV. if it be true, as there is reason for believing, that the building of Versailles cost two thousand millions of livres. In respect of expense, this was more than equal to a war; but at least it was expended without bloodshed, there was no interruption of trade, on the contrary it gave vigour to industry and shed lustre over the arts. What a fortunate source of comparison to the advocates of absolute monarchy!

There is yet another mode of estimating the justness of any public expenditure, another source of comparison somewhat less agreeable to the eyes of courtiers. Compare the amount of the proposed expenditure with an equal portion of the produce of the most vexatious and burthensome tax. In this

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country, for example, let the comparison be made with the produce of the tax on law proceedings, whose effect is the placing of the great majority of the people in a state of outlawry. The option lies between the abolition of this tax and the proposed employment of its produce. They thus become two rival services. It is a severe test for frivolous expenses, but it is strictly just. How disgraceful does wasteful luxury appear in the budget when thus put in competition with the good whose place it occupies, or the evil of which it prevents the cure!

From these observations the practical conclusion is, that the matter of reward being all of it costly, none of it ought to be thrown away. This precious matter is like the dew: not a drop of it falls upon the earth which has not previously been drawn up from it. An upright sovereign therefore gives nothing. He buys or he sells. His benevolence consists in economy. Would you praise him for generosity? Praise also the guardian who lavishes among his servants the property of his pupils.

The most liberal among the Roman emperors were the most worthless; for example, *Caligula, Claudius, Nero, Otho, Vitellius, Commodus, Heliogabalus, and Caracalla:* the best, as *Augustus, Vespasian, Antoninus, Marcus Aurelinus, and Pertinax,* were frugal. (Esprit des Loix, liv. v. ch. xviii.)

A most important lesson to sovereigns: it warns them not to value themselves upon the virtue of generosity: in short, not to think that in their station generosity is a virtue. If not a strictly logical argument, it is, however, a popular and persuasive induction. "Esteem not yourselves to be good princes for a quality in which you have been outstripped by the worst."

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and dangerous than titles of honour or pecuniary rewards. The maxim, *Woe to the grateful nation*, is altogether devoid of meaning, unless it be designed as a warning against this disposition of the people to confer unlimited authority upon those who for a moment obtain their confidence.

After having said thus much in favour of economy, it must not be denied that specious pretences may be urged in justification of a liberal use of rewards.

That portion of the matter of reward which is superfluously employed, it is said may be considered as the fund of a species of lottery. At a comparatively small expense a large mass of expectation is created and prizes are offered which every man may flatter himself with the hope of obtaining. And what are all the other sources of enjoyment when put in competition with hope? But can such reasons justify the imposition or continuance of taxes with no other view than that of increasing the amount of the disposable fund of reward?—Certainly not. It would be absurd thus to create a real evil, thus to pillage the multitude of what they have earned by the sweat of their brow, to multiply the enjoyments of the wealthy. In a word, whatever may be thought of this lottery we must not forget that its prizes must be drawn before we can obtain any useful services. To the individual himself, active is more conducive to his happiness than idle hope,—the one develops his talents, the other renders them obtuse; the first is naturally allied to virtue, the second to vice.

In England, reasons, or at least pretexts, have been found for the arbitrary disposal of rewards, which would not exist under an absolute monarchy. The constitution of parliament gives occasion to the performance of services of such a nature as cannot

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be acknowledged, but which in the eyes of many politicians are not the less necessary. A certain quantity of talent is requisite, it is said, to save the political vessel from being upset by any momentary turbulence or whim of the people. We must possess a set of Mediators interested in maintaining harmony between the heterogeneous particles of our mixed constitution; a species of Drill Serjeants is required for the maintenance of discipline among the undulating and tumultuous multitude. There must be a set of noisy Orators provided for those who are more easily captivated by strength of lungs than by strength of argument; Declaimers for those who are controuled by sentimentalism; and imaginative, facetious, or satirical Orators, for those whose object it is to be amused; Reasoners for the small number, who yeild only to reason; artful and enterprising men to scour the country to obtain and calculate the number of votes: there must also be a class of men in good repute at court, who may maintain a good understanding between the head and the members. And all this they say must be paid for—whether correctly or not, does not belong to our present discussion.

It may be further said, that the matter of reward, besides being used for reward, may be used as a means of power,—and that in a mixed constitution like ours, it is necessary to maintain a balance among its powers. Certain creations of peers therefore, for example, which could not be justified, if considered as rewards, may be justified as distributions of power. There is at least something in this which deserves examination; but its examination here would be out of place.

Want of economy in the distribution of rewards may also be attempted to be justified, by comparing the sum so expended with the expense in-

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not deserved it, is entirely lost. An unpromised reward, thus improperly bestowed, is not necessarily lost. The hand of liberality has been deceived, but the utility of the reward is not altogether thrown away, whilst opportunity is left for a better application of it in future. Had Alexander lavished upon the man who, to obtain his bounty, exhibited his skill in darting grains of millet through the eye of a needle, the rewards he bestowed upon Aristotle, it would have been a proof of prodigality and folly, whose effect would have been to multiply the race of mountebanks and jugglers. In rewarding Aristotle he, without doubt, rewarded much jargon, of no greater value than this man's sleight of hand in darting millet; but since, in the midst of this jargon, a certain quantity of useful, and at that time, new truth was found, the rewards which this celebrated philosopher received may justly be placed to the account of useful liberality—their tendency was to multiply the precious race of instructors of mankind—the race of philosophers.

In fact, certain acts of liberality, which could not be justified, considered as promised rewards, may deserve more or less indulgence, may possess a sort of utility of the same kind as that which belongs to rewards not promised. Even the act regarded as service may not strictly deserve to be connected with reward, but the disposition displayed by the distributing hand in awarding a recompense, may give birth to the expectation of similar rewards for really meritorious service.

Rewards bestowed in pursuance of a promise, may be considered as conferred, according to a law belonging to the class of *written laws;* whilst unpromised rewards, though not productive of similar evils, may be considered as establishing a kind of law,

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or rather tacit rule, analogous to that established by means of punishment, in what is called *unwritten law*. It would be fortunate, indeed, if the penal law might remain unwritten with as little inconvenience as remuneratory law. In the penal, and even the commonly called civil branches, these unwritten laws develop themselves by a train of hardships, not to say of injuries, whilst the worst which can happen in the remuneratory branch of unwritten law is this, that, by reason of its being unknown, it may become a tissue of useless bounty.

Catherine II. did not allow the remuneratory branch of her laws to be exposed even to this danger, from which there is so little to be feared. Had the hand of liberality been expanded—was the dew of reward poured out upon the head of merit—immediately inserted in the Gazette the notification of the reward connected with the name of the individual, and the service which had deserved it was resounded throughout the most distant and unfrequented parts of her vast empire. It would have been altogether glorious, had she hastened to give the same character of publicity and certainty to those other branches of unwritten law, in which it is required with so much greater urgency; and had she never conferred favours which she would have blushed to see gazetted.

In England, a noble example of reward, *ex post facto*, was exhibited in connection with the first establishment of mail coaches. The manager of a provincial theatre having proposed to the minister this plan for the better conveyance of letters, the plan was received, and having been tried in one part of the kingdom, it was afterwards extended to the whole: and this service being in consequence performed with a celerity and economy

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CHAP. VI.

REMUNERATION EX POST FACTO.

In the preceding chapter it was stated, that in accordance with the principle of utility, the costly matter of reward ought only to be employed in the production of service; and that, in accordance with that principle, a reward can only consist of a portion of the matter of reward, employed as a *motive* for the production of service. This would seem to exclude everything which can be called liberality, every act by which a reward may be bestowed upon any service to which it has not been promised beforehand.

Such may appear the consequence at first sight. A reward, it may be said, ought only to be bestowed upon the performance of the service to which it has been promised; since it is only where it has been foreseen that it can have operated as a motive. Why then bestow it upon a service, how useful and important soever, to which it has not been promised? The service you would have been willing to purchase, at the expense of a certain reward, has been happily rendered without any engagement on your part to bear the expense. Why therefore should any reward be bestowed? Why pretend to employ reward in the production of an effect which has been produced without it? Is not this a useless employment of reward? Is not this an expenditure in pure waste?

Certainly such an expense cannot be justified as a means of producing an effect, which has by the supposition already been produced; but it may

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be justified as serving to give birth to other effects of a like nature, as likely to cause future services to be rendered, which will agree with those that are past; at least in this, that they are services. A reward which thus follows the service may be stiled an *ex post facto*, or unpromised reward.—The *Society of Arts* has recognised and employed this distinction. A reward bestowed in fulfilment of a promise, upon the performance of a specified service, is called a *premium*. A reward bestowed without previous promise, is called a *bounty*.

To make it a rule never to grant a reward which has not been promised, is to tie up the hands of true liberality, and to renounce all chance of receiving any new kind of service. There is only one supposition which can justify this parsimony: it is, that every service has been foreseen and endowed beforehand. Whether legislation will ever attain this perfection, I pretend not to know. It has not attained it as yet; and till it be attained, Sovereigns may reckon liberality amongst the number of their virtues.

Rewards, which in this manner are the fruits of liberality, possess a great advantage over those which are awarded in virtue of a promise. These, confined to one object, operate only upon the individual service specified. The genial influence of the others extends over the whole theatre of meritorious actions. These are useful in determining researches to a particular point; the others present an invitation to extend them to everything which the human mind can grasp. These are like the water which the hand of a gardener directs to a particular flower; the others are like the dew which is distilled over the whole surface of the earth.

A promised reward, bestowed upon one who has

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That the second is extremely *limited* in quantity, oftentimes *weak* in its operation, and at all times *uncertain* in its effect: the desire after it varying exceedingly, according to the character and circumstances of individuals. We may remark again that the prospect of punishment saddens, whilst that of reward animates the mind; that punishment blunts, while reward sharpens the activity; that punishment diminishes energy, while reward augments it.

It is reward alone, and not punishment, which a man ought to employ, when his object is to procure services, the performance of which may or may not be in the power of those with whom he has to do. This considered, were it necessary to draw a rough line between the provinces of reward and punishment in a few words, we might say, that punishment was peculiarly suited to the production of acts of the negative stamp, reward to the production of acts of the positive stamp. To sit still and do nothing is in the power of every man at all times: to perform a given service is in many instances in the power of one individual alone, and that only upon one individual occasion. This arrangement of nature suits very well with the unlimited plenitude of the fund of punishment on the one hand, and the limited amplitude of the fund of reward on the other. The negative acts, of which the peace and welfare of mankind require the performance, are incessant and innumerable, and must be exacted at the hands of every man: the positive acts of which the performance is required, are comparatively few, performable only by certain persons, and by them on certain occasions only. Not to steal, not to murder, not to rob, must be required at all times at the hands of every man: to take the field for the purpose of national defence, to occupy a place in the superior

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departments of executive or legislative government, are acts which it is neither necessary nor proper to exact at the hands of more than a few, or of them except on particular occasions. To discover a specific remedy for a disease, to analize a mineral, to invent a method of ascertaining a ship's longitude within a given distance, to determine the quadrature of such or such a curve, are works which, if done by one man, need never be done again.

It is thus, also, with regard to such extraordinary services as depend upon accident: such as the giving of information when required, either in the judicial or any other branch of administration. Are you ignorant whether an individual is in possession of the information in question, or if in possession whether he is disposed to communicate it? Punishment would most probably be both inefficacious and unjust as a means of acquiring this knowledge: resort then to reward.

In regard to extraordinary services depending upon personal qualification, the impropriety of punishment and propriety of reward is the greater, when the utility of the service is susceptible of an indeterminate degree of excellence; as is the case with works of literature, of science, and the fine arts. In these cases reward not only calls forth into exercise talents already existing, but even creates them where they did not exist. It is the property of hope, one of the modifications of joy, to put a man, as the phrase is, into spirits, that is, to increase the rapidity with which the ideas he is conversant about succeed each other, and thus to strengthen his powers of combination and invention by presenting to him a greater variety of objects. The stronger the hope, so that it have not the effect of drawing the thoughts out of the proper channel, the more rapid the succession of ideas; the more extensive and varied the trains formed by the prin-

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of which formerly there was no idea.* As a reward, the inventor was appointed Comptroller-General of the Post-office, with a salary of 1,500*l.* per annum, besides a proportion of the savings. A reward thus judicious and equitable, transports us *to the year* 2440.† It is equivalent to a proclamation to this effect:—"Men of genius and industry, employ your talents for the service of your country; exert yourselves to the utmost; produce your plans; their reception shall depend alone upon the opinion formed of their utility; your country will not grudge the labour necessary for their examination. Good intentions shall not be treated with contempt; you shall not be nick-named projectors by the idle and the incapable. Your plans shall not be disregarded because of their authors; they shall not be thrown aside because they are extraordinary, provided they be useful. Impartiality shall preside at their examination, and their utility shall be the measure of your reward."

There may appear at first sight a discrepancy between this and the immediately preceding chapter, but it is only in appearance. I say here, no less than heretofore, that the upright dispenser of public treasures gives nothing. He buys or he sells. With promised rewards he purchases bespoken, clearly defined, and limited services; with unpromised rewards he purchases services unbespoken, indeterminate, and infinite. The difficulty in both cases consists in making a proper choice of the action to be rewarded. This choice will form the subject of subsequent consideration.

* See Traités de Legislation, tom. 2. ch. xi. (Ed. 1820.)

† *L'an* 2440, by M. Mercier; a species of Utopian romance, of which the idea was ingenious, but the execution weak.

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CHAPTER VII.

PUNITION AND REMUNERATION—THEIR RELATIONS.

WHEREFORE, throughout the whole field of legislation, cannot reward be substituted for punishment? Is hope a less powerful incentive to action than fear? When a political pharmacopœia has the command of both ingredients, wherefore employ the bitter instead of the sweet?

To these natural but unreflecting enquiries, I reply by a maxim that at first view may appear paradoxical. "Reward ought never to be employed when the same effect can be produced by punishment." And, in support of this paradox, I employ another—"Let the means be penal and the desired effect may be attained without giving birth to suffering: let the means be remuneratory, and suffering is inevitable."

The oracular style, however, being no longer in fashion, I shall in plain language give the solution of this enigma.

When a punishment is denounced against the breach of a law, if the law be not broken, no one need be punished. When a reward is promised to obedience, if every body obey the law, every body ought to be rewarded. A demand for rewards is thus created: and these rewards can only be derived from the labour of the people, and contributions levied upon their property.

In comparing the respective properties of punishment and reward, we shall find that the first is *infinite* in quantity, *powerful* in its operation, and *certain* in its effect, so that it cannot be resisted.

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would have rendered the alarm occasioned by pressing needless, one would not give much to hear the music of that day.

That selection which in cases like these is so impracticable in public, is not equally so in domestic life. To parents and other preceptors, it is by no means impracticable to make use of punishment as a motive. They are enabled to use it, because the intimacy of their acquaintance with their pupils in general enables them to give a pretty good guess at what they are able to perform. It may, perhaps, even be necessary to have recourse to this incentive: before the natural love of ease has been got under by habit, and especially before the auxiliary motive of the love of reputation has taken root, and while the tender intellect has not as yet acquired sufficient expansion and firmness to receive and retain the impressions of distant pleasure.

I say perhaps, for it certainly might be practicable to do with much less of this bitter recipe, than in the present state of education is commonly applied. All apparatus contrived on purpose might at least be spared. Towards providing a sufficient stock of incentives for all purposes, a great deal more might be done than is commonly done, in the way of reward alone; by a little ingenuity in the invention, and a little frugality in the application; by establishing a constant connection between enjoyment and desert; granting little or nothing but what is purchased; and thus transforming into rewards the whole stock of gratification, or at least so much of it as is requisite. If punishment should still be necessary, mere privations seem to afford in all cases a sufficient store. A complete stock of incentives might thus be formed out of enjoyments alone: punishment, by the suspension of such as

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are habitual: reward, by the application of such as occasionally arise.*

But even when applied by parents and preceptors, punishment, how well soever it may succeed in raising skill to its ordinary level, will never raise it higher; one of the imperfections of punishment remains still insuperable. Accordingly, in the training of young minds to qualify them for the achievement of extraordinary works of genius, the business is best managed, and indeed, in a certain degree is commonly managed, by punishments and rewards together; in such sort, that in the earlier part of man's career, and in the earlier stages of the progress of talent, a mixture of punishments and rewards both shall be employed: and that by degrees punishment shall be dropt altogether, and the force employed consist of reward alone.

* See the chapter on Punishments and Rewards in *Practical Education*, by Maria and Lovell Edgworth, a work which ought to be in the hands of every parent.

No one who takes any interest in the public welfare, can be unacquainted with the plans of education introduced by Mr. Lancaster. Among other contrivances to which his success may be attibruted, his system of rewards occupies a conspicuous place. His school-room resembled a toy shop—little carriages, wooden horses, kites, balls and drums, were suspended by ropes or hung upon the posts, and the walls were ornamented with halfpenny and penny prints. Every candidate for reward, thus, had always before his eyes the object of his desire, and he knew the price he must pay for the possession of it. Among so large a number of boys it has, however, been found necessary to employ severer punishments than such as consist in a mere privation of pleasure; those selected by Mr. Lancaster depend exclusively upon the dread of shame, and have been made uniformly emblematical or characteristic. Their efficacy far exceeds that of corporal punishment, which children are apt to make it a point of honour to brave, which they habituate themselves to suffer, or which inspires them with a decided aversion for study.

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ciple of association, the better fed, as it were, and more vigorous will be the powers of invention. In this state the attention is more steady, the imagination more alert, and the individual elevated by his success beholds the career of invention displayed before him, and discovers within himself resources of which he had hitherto been ignorant.

On the one hand, let fear be the only motive that prompts a man to exert himself, he will exert himself just so much as he thinks necessary to exempt him from that fear and no more: but let hope be the motive he will exert himself to the utmost, especially if he have reason to think that the magnitude of the reward, (or what comes to the same thing) the probability of attaining it, will rise in proportion to the success of his exertions.

Such is the nature of extraordinary services, that it is neither practicable nor desirable for them to be performed by a large multitude of persons. If punishment then were the means employed to induce men to perform them, it would be necessary to pitch upon some select persons as those on whom to impose the obligation. But of the personal qualifications of individuals, the legislator, as such, can have no knowledge. The case will also be nearly the same, even with the executive magistrate, if the number of the persons under his department is considerable: for antecedently to specific experience in the very line in question, a man's personal qualifications for any such extraordinary task are not to be conjectured, *a priori*, but from an intimate acquaintance; such an acquaintance as it is impossible a man should have with a large number. The consequence is, that among any multitude of persons thus taken at random, the greater number would not perform the task, because they would not be able to perform it. But in this case, by the supposition, they must all be punished: here there

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would be a vast mass of punishment laid on in waste, and perhaps the end not compassed after all: a mass of punishment imparting beyond comparison more pain than it would cost to provide a sufficient quantity of rewards.

On the other hand, let reward be employed, and not an atom need be spent in waste; for it may be easily so applied, and it is common so to apply it, that it shall be bestowed in those instances only in which the end is compassed: in those instances, in which not only a benefit is attained, but a benefit more than equivalent to the expense. By punishment, a great expense would be incurred, and that for the sake of a faint chance of success; by reward, a small expense is incurred, and that not without a certainty of success.

Again, punishment in these cases would not only be less likely to produce the requisite effect, but would have a tendency to prevent it. How little soever the magistrate might be qualified to collect and to judge of appearances of capacity, for such appearances he would, however, naturally keep some sort of look out. To exhibit those appearances would therefore be to run a chance of incurring the obligation and the punishment annexed to it. The consequence is obvious: to make sure of not appearing qualified, men would take care not to be so. We are told that, in Siam, when a man has a tree of extraordinary good fruit, it is seized for the king's use. If this be true, we may well imagine gardening does not make any very extraordinary progress in the neighbourhood of the court of Siam. Nature must do much, for art we may be certain will do nothing. We are told upon better authority of a time when it was the custom to give commissions to officers to look out for the best singers, and press them into the king's service: unless they were well paid at the same time, which

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There remain the case in which reward is proper, because punishment, at least punishment alone, would be unprofitable. By unprofitable, I mean not efficacious, but uneconomical, unfrugal: the interest of the whole community together being taken into the account, not forgetting that of the particular member on whom the burthen would be to be imposed, and consequently the punishment, in case of non-performance, be inflicted.

This seems to be the case with all those offices which, standing alone, are *offices of mere burthen:* whether the party favoured be the public at large, or any individual, or class of individuals: in all cases the labourer is worthy of his hire, and unless it be when every man must labour, no man ought to be made to labour without his hire. The common soldier no more than the general, the common seaman no more than the admiral, the constable no more than the judge.

True it is, that take any man for example, it may with propriety be said, that the public has a right to his services, has a right to command his services, for that the interest of any one man ought to give way to the interest of all. But if they be true as to any one man who happens to be first taken, equally true is it of any other, and so in succession of every man. On the one hand then, each man is under an obligation to submit to any burthen that shall be proposed; on the other hand, each man has an equal right to see the burthen imposed not upon himself, but upon some other. If either of these propositions are taken in their full extent, as much may be said in favour of the one of them as of the other. In this case, if there were no middle course to take, things must rest in *statu quo*, the scale of utility must remain in equilibrio, one man's interest weighing neither more nor less than another's; the burthen would be borne by

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nobody, and the immunity of each would be the destruction of all. But there is a middle course to take, which is, to divide the burthen and lay it inequal proportion upon every man.

The principle is indisputable: the application of it is not free from difficulties. There are many cases in which the individual burthen cannot be divided; an office, the duties of which it requires but one man to perform, cannot be divided amongst a thousand. But a mass of profit may be formed sufficient to counterbalance the inconvenience which a man would sustain by bearing the office. Let the requisite mass of profit be taken from the general fund, and the burthen is distributed proportionably amongst the different members of the community.*

An expedient sometimes practised in these cases, is, instead of distributing the burthen of the office, to lay it on entire upon some one person, according to lot. This prevents the injustice there would be in laying it upon any one by design: but it does not correct the inequality. The mischiefs of partiality and injustice are obviated; but not so the sufferings of him upon whom the unfortunate lot falls. The principle of utility is in this case only partially followed.

It is one of those instances in which the principle of utility would seem to have given occasion to a wrong conclusion. According to this principle, it is said that the interest of the minority ought to be

* This supposes the reward to consist in money: if a sufficient reward can be provided out of honour and power, or either of them without money, the burthen of it in the first case is distributed of course among all the members of the community over whom the honour gives him a precedence; in the last case it may be distributed, according to the nature of the power, among all of them without distinction.

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sacrificed to that of the majority. The conclusion is just, if it were impossible to act otherwise; palpably false, if it is. But to charge this as a defect upon the principle itself, is as reasonable as it would be to maintain that the art of book-keeping is a mischievous art, because entries may be omitted.

We are now prepared for establishing a comparison between punishment and reward.

1. Punishment is best adapted for restraint or prevention: reward for excitement and production: the one is a bridle, the other a spur.

2. In every case where very extensive mischief may be produced by a single act, and particularly in the case of such acts as may be performed at any time, punishment is the only restraint to be depended on; such is the case of crimes in general. When the act endeavoured to be produced is in an eminent degree beneficial, it is proper to employ reward alone, or to combine punishment with reward, that the power of the governing motive may be doubled.

3. Considering the abundance of the one, and scarcity of the other, punishment is the only eligible means of regulating the conduct of people in general: reward ought to be reserved for directing the actions of particular individuals. By punishment, mischievous propensities are subdued; by reward, valuable qualifications are improved. Punishment is an instrument for the extirpation of noxious weeds: reward is a hot bed for raising fruit, which would not otherwise be produced.

4. Necessity compels the employment of punishment; reward is a luxury. Discard the first, and society is dissolved: discard the other, and it still continues to subsist, though deprived of a portion of its amenity and elegance.

5. In every case where the service is of such a

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nature as, that no individual possessed of the qualifications requisite for its performance can with certainty be selected, the denunciation of punishment would only produce apprehension and misery, and its application be but so much injury inflicted in wanton waste.

In every such case offer a reward, and it travels forth in quest of hidden or unknown talents: even if it fail in its search, it produces no evil, not an atom of it is lost: it is given only when the service is performed, when the advantage obtained either equals or surpasses the expense.

By the help of these observations, we shall be enabled to appreciate the opinion of those politicians, who, after a superficial examination of this subject, condemn legislators in general for the sparing use made of the matter of reward.

The author of *The Wealth of Nations*, who has displayed such extraordinary sagacity in all his researches, has upon this point been led away by mistaken notions of humanity. *Fear* (says he) *is in almost all cases a miserable instrument of government.** It is an instrument which has oftentimes been much perverted from its proper use; but it is a necessary instrument, and the only one applicable to the ordinary purposes of society.

A young king, in the first ardour for improvement, having resolved to purge his kingdom from all crimes, was not satisfied with this alone. His natural gentleness was shocked at the idea of employing punishment. He determined to abolish it altogether, and to effect every thing by reward. He began with the crime of theft: but, in a short time, all his subjects were entitled to reward, all of them were honest. Every day they were entitled

* Wealth of Nations, B. v. Ch. i.

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to new rewards, their honesty remained inviolate. A scheme for preventing smuggling was proposed to him. "Wise king," it was said, "for every penny that ought to be paid into your treasury, give two, and the hydra is vanquished." The victory was certain, but he perceived that like that of Pyrrhus it would be somewhat costly.

A distinction which exists between domestic and political government may be here worth noticing. No sovereign is so rich as to be able to effect every thing by reward. There is no parent who may not. At Sparta, a bit of black bread was the reward of skill. The stock of pleasures and of wants is an inexhaustible fund of reward in the hands of those parents who know how to employ it.

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CHAP. VIII.

REMUNERATION—WHERE HURTFUL.

A REWARD is mischievous when its tendency is to produce offences, or to give birth to noxious dispositions.

To offer a reward to an individual as an inducement to him to commit an act prohibited by law, is to attempt to suborn him; the offence may be called *subornation*. Upon the present occasion, this illegal subornation is not the subject of consideration. The rewards, of which we are about to speak, have a corruptive tendency, but do not possess the character of crimes; they are authorized by custom, sanctioned by the laws, and given and received without disguise, without criminal intention: the evil is done with a pure conscience, and often with the public approbation. They are the result of erroneous conceptions, the effects of universal prejudice, or *long-established habit*, which, as Montaigne says, *blunts the acuteness of the judgment*.

The present is one of those extremely delicate topics, in respect of which it may be more prudent to put the reader in the path of truth, and leave him to travel by himself in quest of discoveries, than going through the subject in detail to wound established opinions, or interfere with individual interests. Without restricting myself to any precise order, I shall therefore exhibit some few examples in which the mischievous tendency is too palpable to admit of denial, and I shall

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begin with an incontrovertible maxim, which will furnish the criterion of which we are upon the present occasion in search for distinguishing good from evil.

Upon all occasions avoid bestowing anything in the shape of reward which may tend to interfere with the performance of duty.

According to this rule, a judge ought not to find himself interested in the prolongation of law proceedings—the minister of state in the promotion of wars—the superintendant in promoting expense—the moral preceptor in setting an example of insincerity—the man of letters in maintaining mischievous prejudices at the expense of truth. The more narrowly we scrutinize into the sources of public evils, the more thoroughly shall we be convinced that they ought to be attributed to the neglect of this fundamental rule.

In support of this maxim, it is not necessary to ascribe to men in general an extraordinary proclivity towards corruption. Ordinary prudence and probity are sufficient to enable a man to resist temptations to crimes, or to lead him to abstain from whatever is reputed dishonourable; but it requires somewhat more than ordinary honesty and prudence to be proof against the seductions of an interest that acts with continual energy, and whose temptations are not opposed either by the fear of legal punishment, or the condemnation of public opinion: to yield to such temptations, it is only necessary for him to follow in the beaten track, in which he will be cheered by the presence of a multitude of fellow travellers, and encouraged by the example of his superiors. To resist these seductions, he must expose himself to the imputation of singularity, he must proclaim that he is better than others, he must condemn his col-

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leagues and predecessors, and be bold enough to make an exhibition of his probity. Such magnanimity is not altogether unexampled, but we must not reckon upon prodigies. There are even some cases in which by its secresy this seductive interest is so much the more mischievous; it operates like a concealed magnet, and produces errors in the moral conduct against which there has been no previous warning. We have said that the legislator ought to endeavour to combine interest with duty; for a still stronger reason ought he to avoid as much as possible everything that yields to the public functionary a certain or a casual, a known or an unknown profit, resulting from the omission or violation of his duties; we now proceed to give a few examples.

In England, the superior judges, beside their ample salaries, which it would be improper to grudge them, receive certain fees which it is impossible not to grudge them; since it is from this source alone that they can generally be considered liable to corruption, and that so much the more easily, since they may be subject to its influence without themselves perceiving it. These fees are multiplied in proportion to the incidents of procedure, the multiplication of which incidents proportionably increases the expense and delay of obtaining justice. In one case, a judge receives nearly 4*l.* for tying for six months, or a year, the hands of justice, and this in one of those cases in which indolence adds her seductions to those of avarice, and the whole is effected in the presence of no other witnesses than such as are urged onward by a still stronger interest to aggravate the abuse.

Another example from among a thousand: under the Lord Chancellor, there are twelve subor-

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dinate judges called *Masters in Chancery*. When an account is to be taken before them, the following is the mode of procedure:—The attornies on the one side and the other ought to appear before the master, either alone or in company, with counsel, as may be convenient. First summons; nobody appears. Second summons; nobody appears. At length, third summons, the parties appear, and the matter is put into train. Care, however, has been taken to allow only half an hour, or an hour, to each set of suitors. The parties are not always punctual; the matter is begun, the clock strikes, and then the matter is dismissed. At the following hearing it is necessary to begin again. All this is matter of etiquette. At each summons, the fees to the judges and the counsel are renewed. All the world must live. Extortion, it is said, is to be banished from the dwellings of finance. At some future day, perhaps, it will not be found a fitting guest for the Temple of Justice—it will be deemed advisable to chase it thence.

In England as elsewhere, it is asked, why law-suits are eternal? The lawyers say it is owing to the nature of things. Other people say it is the fault of the lawyers. The above two little traits, which are as two grains of sand picked up in the deserts of Arabia, may assist the judgment as to the causes of delay in such procedures.

3. Previously to the year 1782, the emoluments of the paymaster of the army, whose duty as such consisted in signing, or knowing how to sign, his name, were considerably higher in time of war than in time of peace, being principally constituted of a per centage on the money expended in his

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department. This great officer, however, always found himself a Member of Parliament, and it is believed he was thus paid, not for signing, or knowing how to sign, his name, but for talking and knowing how to talk. Upon a question of peace or war, the probity of this orator must have found itself in somewhat an awkward predicament, continually besieged as it must have been by *Bellona* with the offer of an enormous revenue, which was to cease immediately he suffered himself to be corrupted by *Peace*. When the question of economical reform was upon the carpet, this place was not forgotten. It was generally felt at that time, that so decided an opposition between interest and duty was calculated to produce the most pernicious consequences. The emoluments of peace and war were, therefore, equalized by attaching a fixed salary to the office, and the same plan was adopted with respect to various other offices.

In running over the list of functionaries, from the highest to the lowest, one cannot but be alarmed at the vast proportion of them who watch for war as for a prey. It is impossible to say to what a degree, by this personal interest, the most important measures of Government are determined. It cannot be supposed that ministers of state, generals, admirals, or members of parliament, are influenced, in the slightest degree, by a vile pecuniary interest. All these honourable persons possess probity as well as wisdom, so that a trifle of money never can produce the slightest influence upon their conduct, not even the effect of an atom upon the immoveable mass of their probity. The mischief is, that evil-minded persons are not convinced by their assertion, but continue to repeat, that—"The honesty which resists temptation is

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most noble, but that which flies from it is most secure." *

4. In public and private works of all descriptions, it is customary to pay the architect a per centage upon the aggregate amount expended. This arrangement is a good one, when the sum to be expended is fixed: there is danger in the con-

* "Judge A. has a noble soul," was one day said to me by one of his friends; "this is what he told me was the difference between himself and Judge B. Consider him well; he will never listen to a single word which has the slightest connection with any suit which may be brought before him, unless in open court; he fears lest he should be misled, so weak is he: he has told me so himself. Whilst, as to me, a suitor might whisper in my ear, from morning till night, and might as well have been talking to a deaf man."

I would not insinuate the least suspicion against the valorous judge; had I been constrained to form one, it would have been dissipated by the elogium he bestowed upon his friend.

The heroism of Lord Hale, the model of the English judges, took a contrary direction. It had been customary, when upon the circuit, for the judge to receive from the sheriff a certain number of loaves of sugar. On one occasion a sheriff, who happened to have a suit which was to be tried before him, waited upon his lordship, and, as was customary, presented his sugar: Hale would not receive it. The other judge, if he had been consistent, would have taken sugar from everybody.

General Rule.—When an honest man is desirous of establishing his honesty, he ought to employ proofs which will serve only for this purpose, and not such as dishonesty alone can be interested in causing to be received.

Before an assembly of the Roman people, it was required of Scipio that he should render his accounts. His answer was—"Romans, on such a day I gained a victory: let us ascend to the Capitol, and return thanks to the Gods." His quietus was granted immediately, and since that day, besides allowing that Scipio was a great warrior, all the historians have been assured of the correctness of his accounts. As to me, had I lived at that time, most probably I should have gone up with the rest to the Capitol, but I should always have attained a little curiosity with respect to the accounts.

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trary case, since the greater the expense the greater is the architect's pecuniary profit.

5. Veracity is one of the most important bases of human society. The due administration of justice absolutely depends upon it; whatever tends to weaken it, saps the foundations of morality, security, and happiness. The more we reflect on its importance, the more we shall be astonished that legislators have so indiscreetly multiplied the operations which tend to weaken its influence.*

When the possession of the revenues, or other privileges attached to a certain condition of life, depends upon the previous performance of certain acts which are required at entering upon that condition, these privileges cannot fail to operate upon individuals as incentives to the performance of those acts: the effect produced is the same as if they were attached to such performance under the title of reward.

If among the number of these acts, promises which are never performed are required under the sanction of an oath, these privileges or other advantages can only be regarded as rewards offered for the commission of perjury. If among the number of these acts it is required, that certain opinions which are not believed should be pretended to be believed, these advantages are neither more nor less than rewards offered for insincerity. But the sanction of an oath once contemned, is contemned at all times. Oaths may afterwards be observed, but they will not be observed because they are oaths.

In the university of Oxford, among whose members the greater number of ecclesiastical be-

* See *Traités de Legislation*, tom. 2, ch. xviii. (Ed. 1820.) *Emploi du mobile de la Religion.*

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nefices are bestowed, and which even for laymen is the most fashionable place of education, when a young man presents himself for admission, his tutor who is generally a clergyman, and the vice-chancellor who is also a clergyman, put into his hands a book of statutes, of which they cause him to swear to observe every one. At the same time, it is perfectly well known to this vice-chancellor and to this tutor, that there never has been any person who was able to observe all these statutes. It is thus, that the first lesson this young man learns, and the only lesson he is sure to learn, is a lesson of perjury.*

Nor is this all; his next step is to subscribe, in testimony of his belief, to a dogmatical formulary composed about two centuries ago, asserted by the Church of England to be infallibly true, and by most other churches believed to be as infallibly false. By this expedient, one class of men is excluded, while three classes are admitted. The class excluded is composed of men who, either from a sense of honour, or from conscientious motives, cannot prevail upon themselves publicly and deliberately to utter a lie. The classes admitted consist—1. Of those who literally believe these dogmas—2. Of those who disbelieve them—3. Of those who sign them as they would sign the Alcoran, without knowing what they sign, or what they think about it. A nearly similar practice is pursued at Cambridge, and from these two sources the clergy of the Church of England is supplied.

Socrates was accused as a corrupter of youth. What was meant by this accusation I know not.

* See further upon this subject in Mr. Bentham's work, entitled, *Swear not at all.*

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But this I know, that to instruct the young in falsehood and perjury, is to corrupt them; and that the benefit of all the other lessons they can learn can never equal the mischief of this instruction.*

6. It may be enquired, whether rewards or other advantages ought to be offered for the defence of any opinion in matters of theory or science, or any other subject upon which opinions are divided?† If the question be one of pure curiosity, the worst that can happen will be that the reward will be expended in waste. But if the opinion thus favoured happen to be a false one and at the same time mischievous, the reward will be productive of unmixed evil. But whether it be a question of curiosity or use, if truth be the object desired, the chance of obtaining it is not so great as when the candidates for reward are allowed to seek it wheresoever it may be to be found. If error is to be defended, to offer a reward for its defence, would be one if not the only method to be adopted. Who is there that does not perceive that to obtain true testimony, it is inexpedient to offer a reward to the witness who shall depose upon a given side? Who does not know that the constant effect of such an offer is to discredit the cause of him who makes it? If then anything is to be gained by such partiality, it can only be by error; truth can only be a loser by such partial reward.

This practice is attended with another and more manifest inconvenience; it is that of causing opinions to be professed which are not believed; of inducing a truculent exchange not only of truth, but of sincerity, for money.

I do not know if governments ought even to

* See Appendix (A) † See Appendix (B)

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permit individuals to offer rewards upon these conditions. To establish error, to repudiate truth, to suborn falsehood: these, in a few words, are the effects of all rewards established in favour of one system to the exclusion of all others.

7. Charity is ever an amiable virtue; but if injudiciously employed, is liable to produce more evil than good. Hospitals inconsiderately multiplied; regular distributions of provisions, such as were formerly made at the doors of many convents in Spain and Italy, tend to habituate a large proportion of the people to idleness and beggary. A reward thus offered to indolence, impoverishes the state and corrupts the people. *Luxury* (and I annex to this word whatever meaning, except that of prodigality, people choose to give to it) luxury, that pretended vice so much reprobated by the envious and melancholic, is the steady and natural benefactor of the human species: it is a master who is always doing good, even when he aims not at it; he rewards only the industrious. Charity is also a benefactor, but great circumspection is required that it may prove so.

8. There is another manner in which reward may be mischievous: by acting in opposition to the service required, when, for example, the emoluments attached to an office are such as to afford the means and temptation not to fulfil the duties of it. In such a case, what may appear a paradox is not the less a great truth: *the whole does less than a part;* by paying too much, the sovereign is less effectually served. But this subject belongs naturally to the head of *salaries.*

9. Whatever weakens the connexion between punishments and offences, operates in proportion as an encouragement to the commission of offences.

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It has the effect of a reward offered for their perpetration, for whether the inducement to commit offences is augmented, or the restraining motives are debilitated, the result in both cases is the same.

Thus, a tax on justice is an indirect reward offered for injustice. The same is the case with respect to all technical rules, by which, independently of the merits, nullities are introduced into contracts and into procedure; of every rule that excludes the evidence of a witness, the only depository of the fact upon which depends the due administration of justice. In a word, it is the same with everything that tends to loosen the connexion between injury and compensation, between the violation of the law and punishment.

If we open our eyes we shall behold the same legislators establishing rewards for informers, and taxes and fees upon law proceedings: they desire that the first should induce men to render them services of which they stand in need, whilst the latter tend to weaken the natural disposition which is felt to render these same services. At the threshold of the tribunal of justice are placed a bait and a bugbear—the bait operates upon the few, the bugbear upon the multitude.

10. There are cases in which to avoid a greater inconvenience, it has been found necessary to dispose of the matter of reward in such manner as that it shall operate as a reward for the most atrocious crime; yet, in spite of the force of the temptation, this crime is almost unexampled. I allude to the rule established with respect to successions. Happily, whatever may be the force of the seductive motives in this case, the tutelary motives act in full concert with all their energy.

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There are many men who for a trifling personal benefit, for an advance in rank, or even to gratify their spleen, would, without scruple, use their utmost exertions to produce a war that would cost the lives of two or three hundred thousand of their fellow creatures; while among these men there would not be found perhaps one, who, though he were set free from the dread of legal punishment, could be induced for a much greater advantage, to attempt the life of a single individual, and still less the life of a parent whose death would put him in possession of a fortune or a title.

But though laws cannot be framed for its complete removal, nothing which can be done without inconvenience ought to be left undone towards the diminution of this danger. The persons most exposed to become its victims, are those who are necessarily placed under the control of others, such as infants and women. It is under the guidance of this principle, that our laws in some cases have selected as guardians those persons upon whom no interest can devolve in the way of succession. Under the laws of Sweden, precautions of the same description are observed; and it has been elsewhere shown that this consideration furnishes one of the arguments in favour of the liberty of divorce.*

Contracts relating to insurance furnish another instance of the same danger. These contracts, in other respects so beneficial, have given birth to a new species of crime. A man insures a ship or a house at a price greatly beyond its value, with the intention of setting fire to the house or causing the ship to be lost, and then under pretence of compensation for the loss of which he is the author,

* Traités de Legislation, tom. i. p. 346 (Ed. 1820).

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claims the money for which the insurance is made. Thus one of the most beneficial inventions of civilized society is converted into a premium for dishonesty, and a punishment to virtuous industry. Had the commission of this crime been attended with less risk, or been less difficult to conceal, this most admirable contrivance for softening inevitable calamities must have been abandoned.

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CHAPTER IX.

REMUNERATION—WHERE NEEDLESS.

FACTITIOUS reward is superfluous, whenever natural reward is adequate to produce the desired effect.

Under this head may be classed all inventions in the arts which are useful to individuals, and whose products may become articles of commerce. In the ordinary course of commerce the inventor will meet with a natural reward exactly proportionate to the utility of his discovery, and which will unite within itself all the qualities which can be desired in a factitious reward. After the most mature consideration, no sovereign can find another measure so exact as is thus afforded by the free operations of trade. All that the government has to do is to secure for a time, to the inventor, whatever benefit his discovery may yield. This is generally done by the grant of an exclusive privilege, or patent. Of this we shall elsewhere speak more in detail.

Not many years ago a grant of 3000*l.* was made by Parliament to a physician for the discovery of a yellow dye. That money might, without doubt, have been worse employed: but the reward was unnecessary:—for this discovery, as for all others in the arts, the proper test of its utility would have been its use in manufactures and commerce. The grant of a determinate sum was a loss either to the inventor or to the public: to the inventor, if it were less than he would have gained under a patent: to the public, if it were more. In a word, wherever patents for inventions

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are in use, factitious reward is either groundless or superfluous.*

I shall elsewhere treat of the encouragements to be given to the arts and sciences. Upon the present occasion all that I shall observe is, that the greater the progress they have made, the less necessary is it to tax the public for their support. In this country, for example, if the exclusive property in his work be secured to an author, a reward is at the same time secured to him proportionate to the service he has performed; at least in every branch of amusement or instruction that yields a sufficient class of readers. There is no patron to be compared with the public; and by the honour with its other rewards which it bestows, this patronage has a decided advantage over any that can be received from any other source.

With respect to the rewards, that in some European states have been bestowed upon poets, the amount of them is so insignificant as to save them from the severe scrutiny to which they might, under other circumstances, have found themselves

* Parliament has granted, in two several sums, 20,000*l.* to Dr. Jenner, so celebrated by his invention or introduction of the system of vaccination. This may be considered, perhaps, rather as an indemnification than a reward, at least than a reward proportionate to the service: I say indemnification, because the labour, the researches, the correspondence, the time employed in committing to writing, in teaching and in establishing, his new system, were so many sacrifices of the profits of his profession. As to the natural reward that he gained by his discovery it was nothing: it impoverished instead of enriching him. The liberality with which the physicians throughout Europe, have encouraged a discovery that has lopped off one of the most lucrative branches of their profession, is a most honourable feature in the annals of medicine. When shall we see the lawyers entering into rivalship with them, by the discovery and propagation of the most simple and expeditious mode of legal procedure?

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exposed. There are some countries in which the relish for literature is confined to such small numbers, that it may, upon the whole, be beneficial to encourage it by factitious rewards. But if we consider how intense are the enjoyments of the man born with poetic talents, the sudden reputation that it produces, and the ample profit that it often yields, especially in the dramatic line, it will be found, that the natural rewards attached to it are far from being inconsiderable; and that, at least, our attention ought, in the first place, to be directed to the department of the sciences, the approaches to which are repulsive and the utility of which are indisputable. Happiness depends upon the correctness of the facts with which our mind is furnished, and the rectitude of our judgment; but poetry has no very direct tendency to produce either correctness of knowledge, or rectitude of judgment. For one instance in which it has been employed to combat mischievous prejudices, a thousand might be cited in which they have been fostered and propagated by it. Homer is the greatest of poets: where shall we place him among moralists? Can any great advantage be derived from the imitation of his gods and heroes? I do not condemn prizes for poetry where the object is to excite youthful emulation: I only desire that serious and truly useful pursuits may receive a proportionate encouragement.

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CHAPTER X.

PROPORTION AS TO REWARDS.

In conferring reward, the observance of exact rules of proportion is not nearly of the same importance, as in the infliction of punishment. These rules cannot, however, be neglected with impunity. If too great a reward be held out for a given service, competitors will be attracted from more useful pursuits. If too little, the desired service will either not be rendered or will not be rendered in perfection.

Rule I. The aggregate value of the natural and factitious reward, ought not to be less than sufficient to outweigh the burthen of the service.

Rule II. Factitious rewards may be diminished in proportion, as natural rewards are increased.

These two rules present three subjects to our observation—1. The natural burthens attached to the service. 2. The natural rewards which either do or do not require factitious reward to supply their deficiency. 3. The drawback, more or less hidden, which in a variety of cases alters the apparent value of the reward.

The natural burthens of any particular service, may be comprised under the following heads: the intensity of labour required in its performance, —the ulterior uneasiness which may arise from its particular character,—the physical danger attending it,—the expenses or other sacrifices necessarily made previously to its exercise,—the discredit attached to it,—the peculiar enmities it produces. The wages of labour in different branches of trade, are regulated in exact proportion to the combination of these several circumstances. To the legis-

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lator, however, except in cases where it may be necessary to add factitious to natural reward, considerations of this sort are in general subjects only of speculation.*

That any particular service is more or less highly priced, is of little importance: it affects the individuals only who stand in need of it. The competition between those who want and those who can supply, fixes the price of all services in the most fitting manner. It is sufficient that the demand be public and free. To assist, if necessary, in giving publicity to the demand and in maintaining reciprocal liberty in such transactions, is all that the legislator ought to do.

2. Natural rewards are liable to be insufficient in relation to services, whose utility extends to the whole community, without producing particular advantage to any one individual more than another. Of this nature are public employments. It is true, many public employments are attended by natural rewards in the shape of honour, power, the means of serving ones connections, and deserving the public gratitude, and when these rewards are sufficient, factitious rewards are superfluous. To their ambassadors and many others of their great officers of state, the Venetians never gave any pecuniary reward. In England, the public functions of sheriffs and justices of the peace, are generally discharged by opulent and independent individuals, whose only reward consists in the respect and power attached to those offices.

3. There are many circumstances which may diminish the value of a reward without being generally known beforehand, but against all of which

* In *The Wealth of Nations*, b. i. ch. 10. The circumstances which cause the rate of wages to vary in different employments, are analysed with the sagacity which characterizes the father of political economy.

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it is proper to guard. Does the reward consist of money, its value may be diminished by a burthen of the same nature, or by a burthen in the shape of honour. Honour and money may even be seen at strife with one another, as well as with themselves. By these means the value of a reward may sometimes be reduced to nothing and even become negative.

In this country where, properly speaking, there is no public prosecutor, many offences, which no individual has any peculiar interest in prosecuting, are liable to remain unpunished. In the way of remedy, the law offers from 10*l.* to 20*l.* to be levied upon the goods of the offender, to whoever will successfully undertake this function: sometimes it is added, that the expenses will be repaid in case of conviction: sometimes this is not promised. These expenses may amount to thirty, fifty and even one hundred pounds; it is seldom they are so little as twenty pounds. After this, can we be surprised that the laws are imperfectly obeyed?

It may be added, that it is considered dishonourable to attend to this summons of the laws. An individual who, in this manner, endeavours to serve his country is called an informer, and lest public opinion should not be sufficient to brand him with infamy, the servants of the law and even the laws themselves have, on some occasions, endeavoured to fix the stain. The number of private prosecutors would be much more numerous if, instead of the insidious offer of a reward, an indemnification were substituted. The dishonourable offer being suppressed, the dishonour itself would cease. And who can say, when, by such an arrangement, the circumstance which offends it is removed, whether honour itself may not be pressed into the service of the laws?

There is another case in which, by the negli-

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gence of legal and official arrangements, a considerable and certain expense is attached to and made to precede a variable and uncertain reward. A new idea presents itself to some workman or artist. Knowing that the laws grant to every inventor a privilege to enable him exclusively to reap the profits of his invention, he enjoys by anticipation his success, and labours to perfect his invention. Having in the prosecution of his discovery consumed, perhaps, the greater part of his property and his life, his invention is complete. He goes, with a joyful heart, to the public office to ask for his patent. But what does he encounter? Clerks, lawyers, and officers of state, who reap beforehand the fruits of his industry. This privilege is not given, but is, in fact, *sold* for from 100*l.* to 200*l.*: sums greater perhaps than he ever possessed in his life. He finds himself caught in a snare, which the law, or rather extortion, which has obtained the force of law, has spread for the industrious inventor. It is a tax levied upon ingenuity, and no man can set bounds to the value of the services; it may have lost to the nation.

Rule III. Reward should be adjusted in such a manner to each particular service, that for every part of the benefit there may be a motive to induce a man to give birth to it.

In other words, the value of the reward ought to advance, step by step, with the value of the service. This rule is more accurately followed in respect of rewards than of punishments. If a man steals a quantity of corn, the punishment is the same whether he steal one bushel or ten; but when a premium is given for the exportation of corn, the amount of the premium bears an exact proportion to the amount exported. To be con-

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sistent in matters of legislation, the scale ought to be as regular in the one case as in the other.

The utility of this rule is put beyond doubt, by the difference that may be observed between the quantity of work performed by men employed by the day and men employed by the piece. When a ditch is to be dug, and the work is divided between one set of men working by the day, and another set working by the piece, there is no difficulty in predicting which set will have finished first.

Hope and, perhaps, emulation are the motives which actuate the labourer by the piece: the motive which actuates the labourer by the day is fear: fear of being discharged in case of manifest and extraordinary idleness.

It must not however be forgotten, that there are many sorts of work, in respect of which it is improper to adopt this mode of payment; which tends indeed to produce the greatest quantity of labour, but at the same time is calculated to give birth to negligence and precipitation. This method ought only to be employed in cases where the quality of the work can easily be discerned, and its imperfections (if any) detected.

The value of a reward may be increased or diminished, in respect of certainty as well as amount: when, therefore, any services require frequently renewed efforts, it is desirable that each effort should render the probability of its attainment more certain.

Arrangements should be made for connecting services with reward, in such manner that the attainment of the reward shall remain uncertain, without however ceasing to be more probable than the contrary event. The faculties of the individual employed will thus naturally be kept upon the

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full stretch. This is accomplished when a competition is established between two or more persons, and a reward is promised to that one who shall render service in the most eminent degree, whether it respect the quantity or the quality of the service proposed.

Rule IV. When two services come in competition, of which a man cannot be induced to perform both, the reward for the greater service ought to be sufficient to induce him to prefer it to the less.

In a certain country matters are so arranged, that more is to be gained by building ships on the old plan than by inventing better; by taking one ship than by blockading a hundred; by plundering at sea than by fighting; by distorting the established laws than by executing them; by clamouring for or against ministers, than by showing in what manner the laws may be improved. It must however be admitted, that in respect of some of these abuses, it would be difficult to prescribe the proper remedy.

By what method can competition between two services be established? The individual from whom they are required must, either from personal qualifications or external circumstances, have it in his power to render either the one or the other. It is proper to distinguish the cases in which this position is transient from those in which it is permanent. It is in the first that the fault committed, by suffering disproportion to subsist, is most irreparable.

During the American war, upwards of an hundred ships were, at one time, in one of the harbours of the revolted colonies. It was of great importance that they should be kept in a state of blockade, since many of them were loaded with military stores. An English captain received

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orders to blockade them. Sufficiently skilled in arithmetic, and in proverbs, to know that two or three birds in his cage were worth a hundred in the bush, he acted as the greater number of men would have acted in his place. He stood off to a sufficient distance to give the enemy hopes of escaping: as soon as they had quitted the harbour, he returned, captured half-a-dozen, and the rest proceeded to their destination. I do not answer for the truth of this anecdote; but true or not true, it is equally good as an apologue. It exhibits one of the fruits of that inconsiderate prodigality, which grants, without discrimination, the produce of their captures to the captors.

Another example. A man who has influence obtains the command of a frigate, with orders to go upon a cruise. The command of a first-rate is accepted by those only who cannot obtain a frigate. It is thus that interest is put in competition with duty: cupidity with glory. There are doubtless not wanting noble minds by whom the seductions of sinister interest are resisted: but wherefore should they be so much exposed to what it is so difficult to resist?

It is true, that their ears may not be altogether insensible to the call of honour; the law has bestowed pecuniary rewards upon the captors of armed vessels,—another example, where one instance of profusion has created the necessity of a second,—but these rewards are still unequal: the chase of doves is more advantageous than the pursuit of eagles.

The remedy would be to tax, and tax heavily, the profits of lucrative cruises, to form a fund of reward in favour of dangerous, or merely useful expeditions. By this arrangement, the country

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would be doubly benefited, the service would be rendered more attractive, and conducted with more economy. It may be true, that if this tax were deducted from the share of the seamen, their ardour might be cooled. Neither in value or in number are their prizes in this lottery susceptible of diminution; but though this be true with respect to the lower ranks of the profession, ought we to judge in the same manner of the superior officers, whose minds are elevated as their rank, and on whose conduct the performance of the duty has the most immediate dependence?

In the judicial department, the service which belongs to the profession of an advocate, and the service which belongs to the office of a judge, are in a state of rivalry. They constitute the elements of two permanent conditions, of which the first among most nations is the preliminary route to the second. In England, the judges are uniformly selected from among the class of advocates. Now the interest of the country requires that the choice should fall upon the men of highest attainments in their profession, since upon the reputation of the judges depends the opinion which every man forms of his security. It is not of the same importance to the public that advocates should be supereminently skilful; their occupation is not to seek out what is agreeable to justice, but what agrees with the interest of the party to which chance has engaged them. On the contrary, the more decidedly any advocate is exalted in point of talents above his colleagues, the more desirable is it that he should no longer continue an advocate. In proportion to his pre-eminence, is the probability that he will be opposed to the distribution of justice. The worse the cause of the

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suitor, the more pressing is his need of an able advocate to remedy his weakness.

	Per Annum.
In England, the emoluments of the Lord Chancellor are reckoned at - - -	£20,000
Those of the Vice-Chancellor - - -	5,000
Those of the Master of the Rolls - -	4,000
Those of the Chief Justice of the King's Bench -	6,500
Those of the Chief Justice of the Common Pleas -	5,000
Those of the Chief Baron of the Exchequer -	5,000
Those of the Nine Puisne Judges - -	4,000

Now amongst the class of advocates, there are always to be found about half a dozen whose annual emoluments average from eight to twelve thousand pounds. Of this number there is not one who would not disdain the office of puisne judge, since his profits are actually two or three times as great as theirs. To these advocates of the first class may be added as many more, who would equally disdain these subordinate situations, in the hope every day of succeeding to the advocates who shall suceeed to the principal situations. There are two methods of obviating this inconvenience: the one by increasing the emoluments of the judges. (This course has been adopted upon many occasions, and they have been raised to their present amount, without success.) The other consists in lowering the profits of the advocates: a desirable object in more respects than one, but which can result only from rendering the whole system of the laws more simple and intelligible.

In the department of education, there is a nearly similar rivalry between the profession of the clergy and the office of professor, as between the profession of advocate and the office of judge, in the department of the laws. In proportion as he is what he ought to be, in order to be useful, a

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clergyman is a professor of morality, having for his pupils a larger or smaller number of persons of every class, during the whole course of their lives. On the other hand, a professor (as he is called) has for his pupils a number of select individuals, whose character is calculated to exercise the greatest influence upon the general mass of the people, and among their number the clergy are generally to be found. The period during which these individuals attend the lectures of the professor, is the most critical period of life; the only period during which they are under obligation to pay attention to what they hear, or to receive the instruction presented to them. Such being the relation between the services of the two classes, let us see what is the proportion between the amount of reward respectively allotted to each.

In England, the emoluments of the clergy vary from 20*l.* to 10,000*l.* a-year, while those of the professors in the chief seats of education—the universities, are between the twentieth and the hundredth part of the latter sum. In Scotland, the emoluments of the professors differ but little from what they are in England, but the richest ecclesiastical benefice is scarcely equal to the least productive professorship. It is thus, says Adam Smith, that "in England the church is continually draining the universities of all their best and ablest members; and an old college tutor, who is known and distinguished as an eminent man of letters, is rarely to be found," whilst in Scotland the case is exactly the reverse. It is by the in-influence of this circumstance that he explains how academical education is so excellent in the Scottish universities, and, according to him, so defective in those of England.

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Between two professions which do not enter into competition with each other (for example, those of opera-dancers and clergymen) a disproportion between their emoluments is not attended with such palpable inconveniences; but when by any circumstance two professions are brought into comparison with each other, the least advantageous loses its value by the comparison, and the disproportion presents to the eye of the observer the idea of injustice.

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CHAPTER XI.

CHOICE AS TO REWARDS.

In making a proper selection of punishments, much skill is required: comparatively, much less is requisite in the proper selection of rewards. Not only are the species of rewards more limited in number than those of punishments, but the grounds of preference are more easily discoverable, and there are not, as in the case of punishments, any passions which tend to mislead the judgment.

The *qualities desirable* in rewards are the same as in the case of punishments: we shall enumerate them, and then proceed to point out in what degree they are united in certain modes of remuneration.

A reward is best adapted to fulfil the purpose for which it may be designed, when it is—

1. *Variable*, susceptible of increase or diminution in respect of amount, that it may be proportioned to the different degrees of service.

2. *Equable*, that equal portions may at all times operate with equal force upon all individuals.

3. *Commensurable*, with respect to other species of rewards attached to other services.

4. *Exemplary:* its apparent ought not to differ from its real value. This quality is wanting when a large expense is incurred for the purpose of reward, without its becoming matter of notoriety. The object aimed at ought to be to

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strike the attention, and produce a durable impression.

5. *Economical.* More ought not to be paid for a service than it is worth. This is the rule in every market.

6. *Characteristic:* as far as possible analogous to the service. It becomes by this means the more exemplary.

7. *Popular.* It ought not to oppose established prejudices. In vain did the Roman emperors bestow honours upon the most odious informers; they degraded the honours, but the informers were not the less infamous. But it is not enough that it does not oppose the prejudices, it is desirable that every reward should obtain the approbation of the public.

8. *Fructifying:* calculated to excite the perseverance of the individual in the career of service, and to supply him with new resources.

In the selection from among the variety of rewards, of that particular one which most certainly will produce any desired effect, attention must not only be paid to the nature of the service, but also to the particular disposition and character of the individual upon whom it is to operate.* In this respect, public regulations can never attain the perfection of which domestic discipline is susceptible. No sovereign can ever in the same degree be acquainted with the dispositions of his subjects as a father may be with those of his children; this disadvantage is however compensated by the larger number of competitors. In a kingdom, every diversity of temperament, and every

* See *Traités de Legislation,* tom. 1. ch. ix. *Des circonstances qui influent sur la sensibilité.* Or, *Theory of Morals and Legislation,* vol. 1, ch. vi.

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degree of aptitude may be found united together, and provided the reward be proportionate to the service, it will be of little importance what may be its nature: like the magnet, which out of a heterogenous mass attracts and separates the most hidden particles of iron, it will detect the individual susceptible of its attraction. Besides, the nature of pecuniary reward, which is adapted to the greater proportion of services, is such that every individual may convert it into the species of pleasure which he most prefers.

To form a judgment of the merits and demerits of pecuniary reward, a glance at the list of desirable qualities will suffice. It will at once be seen which of them it possesses and of which it is deficient: it is *variable*, *equable*, and *commensurable*; it ought to be added, that it is frequently indispensably necessary; there are many cases in which every other reward separated from this would not only be a burthen, but even a mockery, especially if the performance of the service has been attended with an expense or loss greater than the individual can easily support.

On the other hand, pecuniary reward is not exempt from disadvantages: speaking generally (for there are many exceptions) it is neither *exemplary*, nor *characteristic*, nor even *popular*.* When

* "*Au défaut de n'être pas dignes de la vertu,* les recompenses pécuniaires joignent celui de n'être pas assez publiques, de ne pas parler sans cesse aux yeux et aux cœurs, de disparoitre aussitôt qu'elles sont accordées, et de ne laisser aucune trace visible qui excite l'emulation en perpétuant l'honneur qui doit les accompagner."—Rousseau: *Gouvernment de Pologne,* ch. xi. The phrase in italics is one of the too common exaggerations in the writings of Rousseau. It is more striking than just.

In his letter to the Duke of Wirtemberg upon education, in

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allowed to exceed a certain amount, it tends to diminish the activity of the receiver: instead of adding to his inclination to persevere in his services, it may furnish him with a temptation to discontinue them. The enriched man will be apt to think like the soldier of Lucullus, who became timid so soon as he possessed property to preserve.

> Ibit eò, quo vis, qui zonam perdidit, inquit.
> Hor. Epist. II. Lib. 2.

There are also cases in which money, instead of an attractive, may have a repulsive effect; instead of operating as a reward, may be considered as an insult, at least by persons who possess any delicacy in their sentiments of honour. A certain degree of skill is therefore required in the application of money as a reward: it is oftentimes desirable that the pecuniary should appear only as an accessary to the honorary, which should be made to constitute the principal part of the reward.*

Every pecuniary reward may be, as it were, annihilated by its relative smallness. A man of independent fortune, and of a certain rank in society, would be considered as degraded by accepting a sum that would not degrade a mechanic. There is no rule for determining what is permitted or prohibited in this respect: custom has established the prejudice. But the difficulty it presents is

which he shows that he had reflected much upon the union of interest with duty, he says, "L'argent est un ressort dans la mechanique morale, mais il repousse *toujours* la main qui le fait agir." *Toujours* is an exaggeration.

* Tel donne à pleines mains qui n'oblige personne,
La façon de donner vaut mieux que ce qu'on donne.
Le Menteur, Scène 1.

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not insurmountable. By combining together money and honour, a compound is formed which is universally pleasing: medals, for example, possess this double advantage. By a little art and precaution, a solid peace is established between pride and cupidity; and thus united, they have both been ranged under the banners of merit. Pride proclaims aloud,—"It is not the intrinsic value of the metal which possesses attractions for me; it is the circle of glory alone with which it is surrounded." Cupidity makes its calculation in silence, and accurately estimates the value of the material of the prize.

By the Society of Arts a still higher degree of perfection has been attained. A choice is commonly allowed between a sum of money and a medal. Thus all conditions and tastes are satisfied. The mechanic or peasant pockets the money. The peer or gentleman ornaments his cabinet with a medal.

The apparent value of medals is in some cases augmented, by rendering the design upon them characteristic of the service on account of which they are bestowed. By the addition of the name of the individual rewarded, an exclusive certificate is made in his favour. The ingenuity displayed in the choice of the design has sometimes been extremely happy.

A British statute gives to the person who apprehends and convicts a highwayman, amongst other rewards, the horse on which the offender was mounted when he committed the offence. Possibly the framer of this law may have taken the hint from the passage in Virgil, in which the son of Æneas promises to Nisus, in case of the success of the expedition he was meditating, the very horse and accoutrements which Turnus had

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been seen to use.* It is equally possible, that the same knowledge of human nature, which suggested to the Latin poet the efficacy of such a reward, suggested it at once to the English lawgiver. Be this as it may, this provision is commendable on three several accounts. In the assignment of the prize, it pitches upon an object, which, from the nature of the transaction, is likely to make a particular impression on the mind of the person whose assistance is required; acting in this respect in conformity to the rule above laid down, which recommends an attention to the circumstances influencing the sensibility of the person on whom impression is to be made. It also has the advantage of being characteristic as well as exemplary. The animal, when thus transferred, becomes a voucher for the activity and prowess of its owner, as well as a trophy of his victory.

An arrangement like this, simple as it is, or rather because it is so simple, was an extraordinary stretch in British policy; in which, though there is generally a great mixture of good sense, there reigns throughout a kind of littleness and *mauvaise honte*, which avoids, with timid caution, everything that is bold, striking, and eccentric, scarce ever hazarding any of those strong and masterly touches, which strike the imagination, and fill the mind with the idea of the sublime.

Examples of rewards of this nature abound in

* Vidisti quo Turnus equo, quibus ibat in armis
Aureus; ipsum illum clypeum, cristasque rubentes
Excipiam sorti, jam nunc tua præmia, Nise.
Æn. ix. 269.

Thou saw'st the courser by proud Turnus prest
That Nisus, and his arms and nodding crest
And shield, from chance exempt, shall be thy share.
DRYDEN's Translation.

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the Roman system of remuneration. For every species of merit appropriate symbolic crowns were provided. This branch of their administration preserved the ancient simplicity of Rome in its cradle; and the wreath of parsley long eclipsed the splendour of the crowns of gold. I was about to speak of their triumphs, but here I am compelled to stop: humanity shudders at that pride of conquest, which treads under its feet the vanquished nations. The system of legislation ought no doubt to be adapted to the encouragement of military ardour, but it ought not to fan it into such a flame as to make it the predominant passion of the people, and to prostrate everything before it.

Honorary rewards are eminently exemplary: they are standing monuments of the service for which they have been bestowed: they also possess the desirable property of operating as a perpetual encouragement to fresh exertions. To disgrace an honorary reward is to be a traitor to one's self; he that has once been pronounced brave should perpetually merit that commendation.

To create a reward of this nature is not very difficult. The symbolical language of esteem is, like written language, matter of convention. Every mode of dress, every ceremony, so soon as it is made a mark of pre-eminence, becomes honourable. A branch of laurel, a ribband, a garter, everything possesses the value which is assigned to it. It is however desirable, that these ensigns should possess some emblematic character expressive of the nature of the service for which they are bestowed. With reference to this principle, the blazonry of heraldry appears rude and unmeaning. The decorations of the various orders of knighthood, though not deficient in splendour, are highly

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deficient in respect of character: they strike the eye, but they convey no instruction to the mind. A ribband appears more like the finery of a woman than the distinctive decoration of a hero.

Honorary titles have frequently derived a part of their glory from being characteristic. The place which has been the theatre of his exploits has often furnished a title for a victorious general, well calculated to perpetuate the memory of his services and his glory. At a very early period of their history, the Romans employed this expedient in addition to the other rewards which they conferred upon the general who completed a conquest. Hence the surnames of *Africanus*, *Numidicus*, *Asiaticus*, *Germanicus*, and so many others. This custom has frequently been imitated. Catherine II. revived it in favour of the Romanoffs and Orloffs. Mahon, twice in the eighteenth century, furnished titles to its conquerors. The mansion of Blenheim unites to the eclat of the name a more substantial proof of national gratitude.*

The Romans occasionally applied the same mode of reward to services of a different description. The Appian way perpetually recalled, to the memory of those who journied on it, the liberality of Appius.†

* When after a great naval victory, as an acknowledgment of his services, the freedom of the City of London was presented to Admiral Keppel, in a box of *heart of oak* of curious workmanship, and enriched with gold, the present was *characteristic* and *popular*; allusion being evidently made to the song, which, whoever may have been the Tyrtœus, has doubtless had, at times, no inconsiderable share in rousing British courage.

† One of the noblest charitable institutions in London, *Guy's Hospital*, bears the name of its founder. It is true, it is not done with the intention of conferring a reward; but there are few who, of late years, have travelled in Great Britain, who have not spoken in praise of *Mac Adam's system* of constructing roads.

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The career of legislation may also furnish some instances of honours which possess this character of analogy. In the Digest of the Sardinian Laws, very praiseworthy care was taken to inform the people to which of their sovereigns they were indebted for each particular law. It is an example worthy of imitation. It may have been intended as a mark of respect, as well for convenience of reference, that it has been customary to designate, by the title of The *Grenville Act*, the admirable law which this representative of the people procured to be enacted for the impartial decision of questions relative to contested elections.

Had the statue of this legislator been placed in the House of Commons, from which he banished a scandalous disorder, it would both have been a monument of gratitude, and a noble lesson. It might have for its companion a statue of his noble rival, the Author of Economical Reform; it is thus that the impartial judgment of posterity, forgetting the differences which separated them, delights to recollect the excellences which assimilated them to each other. It is thus that it has placed, side by side each other, Eschines and Demosthenes. The more men become enlightened, the more clearly will they perceive the necessity, at least, of dividing honour between those who cause nations to flourish by means of good laws, and those who defend them by their valour.

Among the most obvious and efficacious means of conferring honorary rewards, are pictures, busts, statues, and other imitative representations of the person meant to be rewarded. These spread his fame to posterity, and, in conjunction with the history of the service, hand down the idea of the person by whom it was rendered. They are naturally accompanied with inscriptions expla-

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natory of the cause for which the honour was decreed. When the art of writing has become common, these inscriptions will frequently give disgust, by the length or extravagance of the elogium: and it will then become an object of good taste to say as much in as few words as possible. Perhaps the happiest specimens of the kind that were, or ever will be produced, are the two inscriptions placed under the statues of Louis XIV. and Voltaire: the one erected by the town of Montpellier, the latter by a society of men of letters, of whom Frederic III. king of Prussia was one. *A Louis XIV. après sa mort. A Voltaire pendant sa vie:* to the king, though no longer the object of hope and fear: to the poet and philosopher, though still the butt of envy. The business on occasions like these is not to inform but to remind: history and the art of printing does the rest.

The greater number of the rewards of which we have spoken above, are *occasional*, that is, applied to a particular action. There are others which are more *permanent* in their character, such as the Hospitals of Chelsea and Greenwich, in England, and *L'hôtel des Invalides* at Paris.

Doubts have often been entertained of the utility of these establishments. Rewards, it has been said, might be extended to a much greater number of individuals, if the annual amount of the expenses of these places were distributed in the shape of pensions, and that the individuals would thus be rendered much happier; since men who have passed their days of activity, united in a place where they are no longer subject to the cares and labours of life, are exposed to the most ceaseless listlessness. I shall not dispute the truth of these observations, but on the other hand shall examine the effect of these establishments upon the minds

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of soldiers and sailors. Their imaginations are flattered by the magnificence of these retreats; it is a brilliant prospect opened to them all; an asylum is provided for those who, having quitted their country and their families in their youth, have frequently in their days of decrepitude and age no other home in the world. Those who are mutilated or disfigured with wounds, are consoled by the renown which awaits them in the hospital, where every thing reminds them of their exploits. It may also be for the benefit of the service more prudent thus to unite than to disperse them. It is a luxury, but it is rational, exemplary, and possesses a character of justice and magnificence.

These establishments being necessarily limited in respect to the number which can be admitted into them, may be considered upon the footing of extraordinary rewards, applicable to distinguished services. They would thus constitute a species of nobility for the soldiers and sailors. They would acquire an additional degree of splendour were their walls adorned by the trophies taken in war, which would there appear much more appropriately placed than when deposited in the temples of peace. The decorations of the chapel of *L'hôtel des Invalides* are admirable. The flags suspended in the cathedral of St. Paul only awaken thoughts at variance with those of religious worship; removed to Chelsea or Greenwich, they would be connected with natural associations, and would furnish a text to the commentaries of those who acquired them by their valour.

It is not often that every desirable quality is seen to be united in one and the same reward; this union however frequently takes place in an almost imperceptible manner.

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An instance of a reward particularly well adapted to the nature of the service, is that of the monopoly which it is almost universally the custom to create in favour of inventors. From the very nature of the thing, it adapts itself with the utmost nicety to those rules of proportion to which it is most difficult for reward artificially instituted by the legislator to conform. It adapts itself with the utmost nicety to the value of the service. If confined, as it ought to be, to the precise point in which the originality of the invention consists, it is conferred with the least possible waste of expense. It causes a service to be rendered, which without it a man would not have a motive for rendering; and that only by forbidding others from doing that which were it not for that service it would not have been possible for them to have done. Even with regard to such inventions, for such there will be, where others, besides him who possesses himself of the reward, have scent of the invention, it is still of use, by stimulating all parties, and setting them to strive which shall first bring his discovery to bear. With all this it unites every property which can be wished for in a reward. It is variable, equable, commensurable, characteristic, exemplary, frugal, promotive of perseverance, subservient to compensation, popular, and revocable.

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CHAPTER XII.

PROCEDURE AS TO REWARDS.

THE province of reward is the last aslyum of arbitrary power. In the early stages of society, punishments, pardons, and rewards were equally lavished without measure and without necessity. The infliction of punishment has already in measure been subject to regulation; at some future time rules will be laid down for the granting of pardons, and last of all for the bestowment of rewards. If punishment ought not to be inflicted without formal proof of the commission of crime, neither ought reward to be conferred without equally formal proof of desert.

It may be allowed that in point of importance, the difference between the two cases is great: that punishment inflicted without trial excites universal alarm, whilst reward conferred without desert excites no such feelings; but these considerations only prove that the advantage of formal procedure in the distribution of reward is limited to the prevention of prodigality, and of the other abuses by which the value of reward is diminished.

At Rome, if certain travellers may be believed, it is the custom when a saint is about to be canonized, to allow an advocate, who in familiar language is called *the advocate of the devil*, to plead against his admission. If this advocate had always been faithful to his client, the calendar might not have been so full as at present.* Be this as it may,

* "Pope Urban VIII. having suffered some ill treatment

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the idea itself is excellent, and might advantageously be borrowed by politics from religion. *L'Italico valor non è ancor morto:* there are yet some lessons to be learned in the capital of the world.

It is reported of Peter the Great, that when he condescended to pass through every gradation of military, rank from the lowest to the highest in his empire, he took no step without producing regular, certificates of his qualifications. We may be allowed to suppose, that even with inferior recommendations to those produced by this great prince he would have succeeded. There was no *advocate for the devil* to contest the point, and even had there been one, his fidelity would have been doubtful: but had the qualifications of the Czar been as imperfect as, according to the history, they were complete, his submitting to produce them would have offered a noble lesson.

In England, when a *dormant peerage* is claimed by any individual, the *Attorney-general* is constituted the advocate for the devil, and charged to examine into and produce every thing which can invalidate his title. Wherefore is he not thus employed when it is proposed to create new peers? Why should he not be allowed to urge every thing which can be said against the measure? Is it feared that he would be too often successful?*

from a certain noble Roman family, said to his friends, *Questa gente è molto ingrata, Io ho beatificato uno de loro parenti, che non lo meritava."—Jortin's Miscellanies.*

* If the peers are interested in not suffering the value of their office to be lessened by sharing it with unintitled persons, the public have a more important interest in preventing profusion, with respect to this modification of the matter of reward—in preventing the bestowment of a portion of the sovereign power upon persons who have not purchased such a trust by any service. But if merit is not to be regarded, and there are political reasons for preserving this prerogative un-

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In the distribution of rewards, were it always necessary publicly to assign the reason for their bestowment, a restraint would be imposed upon princes and their ministers, to which they are unwilling to submit. There formerly existed in Sweden a custom or positive law, obliging the king to insert in the patent conferring a pension or title, the reason for the grant. In 1774 this custom was abolished by an express law inserted in the Gazette of that court, declaring that the individuals honoured by the bounty of the king, should be considered as indebted to his favour alone. Did this monarch think that he stood in need of services which he would not dare publicly to acknowledge?*

In England, the remuneratory branch of arbi-

controuled, the subject assumes another aspect, and its examination here would be out of place.

* Extract from the Courier of the Lower Rhine, 5th March 1774.—"Stockholm, 11th February.—It was formerly the custom when the king elevated any one to the rank of nobility, or conferred on him the title of baron, to insert in the diploma the circumstances by which he had merited this distinction. But upon a late occasion, when his majesty ennobled M. de Geer, chamberlain of the court, he requested that the kindness and good pleasure of the king might be inserted in his diploma as the only reason for his elevation. His majesty not only complied, but directed that the Chancery should thenceforward follow this rule, as was anciently the practice under the sovereigns of the family of Vasa, till the reign of Christina."

I have not seen any of these ancient diplomas of Swedish nobility, and I know not whether the facts they exhibited as the reasons operating upon the Sovereign were specific and detailed; but whatever was the nature of this certificate, it served as a token of respect to public opinion, and a means of preserving undiminished the value of titles of nobility. This usurpation was scarcely noticed amidst the great revolution which the king had just accomplished. In the career of arbitrary power, there are open conquests and clandestine acquisitions.

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trary power has begun to be pruned. Except in particular cases, the king is not allowed to grant a pension exceeding 300*l.* per annum, without the consent of parliament. Since the passing of the act containing this restriction, the candidates for pensions have been but few.

When M. Necker undertook the administration of the finances in France, the total of the acknowledged pensions, without reckoning the secret gratuities, which were very considerable, amounted to 27 millions of livres. In England, where the national wealth was not less than in France, the pensions did not amount to the tenth part of this sum. It is thus that the difference between a limited and an absolute monarchy may be exhibited, even in figures.

In Ireland, the king upon his sole authority, in 1783, created an order of knighthood; thus profiting by what remained of the fragments of arbitrary power. No blame was imputed to him for establishing this tax upon honour: had he levied a tax upon property the nation might not have been so tractable. Those who hoped to share in the new treasure were careful not to raise an outcry against its establishment; those at whose expense this treasure was established, did not understand this piece of finesse; they opened their eyes widely, but comprehended nothing. The measure could not have been better justified by circumstances. Every day the crown found itself stripped of some prerogative, justly or unjustly the subject of envy. It was therefore high time to avail itself of the small number of those, in the exercise of which it was still tolerated. Become independent of Great Britain, the honour of the Irish nation seemed to require a decoration of this kind. For what is a kingdom without an order of knighthood?

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To enter into the consideration of the details requisite for the establishment of a system of remuneratory procedure, comes not within the present part of our design: a very slight sketch of the leading principles on which it might be grounded, is the utmost that can here be given. The general idea would of course be taken from the system established in penal and civil cases. Between these systems, the most striking difference would, however, arise from the interest and wishes of the agent whose act might be the subject of investigation, with respect to the publicity of the act. In the one case the consequences of such his act, in case it were proved, being pernicious to him, all his endeavour would be to keep it concealed: in the other, these consequences being beneficial, his endeavour would be to place it in the most conspicuous light imaginable. In the first case, his endeavours would be to delay the process and, if possible, make it void: in the latter, to expedite it and keep it valid.

The most striking point of co-incidence is the occasion there is in both cases for two parties. In the civil branch, there can hardly be a deficiency in this respect; there being commonly two individuals whose interests are opposite, and known and felt to be so. But in the penal branch, in one very large division of it, there is naturally no such opposition; I mean in that which concerns offences against the public only: here, therefore, the law has been obliged to create such an opposition, and has accordingly created it by the establishment of a public prosecutor. In the remuneratory branch of procedure, there is a similar absence of natural opposition, and accordingly the grand *desideratum* is the appointment of an officer whose business it should be to contest on the part of the public, the title to whatever reward is proposed to be granted in

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this way. He might be entitled, for shortness, by some such name as that of Contestor-general. Without a Prosecutor-general, in the large and important division of cases above mentioned, there would not, unless by accident—I mean, when an individual is engaged in the task of prosecution by public spirit, or what is much more natural, by private pique—be any suit instituted, any punishment inflicted. For want of a Contestor-general there is not, unless by a similar accident,* any check given to the injustice of unmerited remuneration.

Upon the whole then, the penal and civil branches of procedure, but particularly the penal, may in all cases serve either as the models, or if the term may be admitted, as the *anti-models* of the remuneratory branch of procedure.

* I say by accident: for as in the case of offences against the public merely, accident will sometimes raise up a private prosecutor in the person of a chance individual, so in matters of remunerative procedure, will accident sometimes raise up a contestor in the person of some member of the body by whose appointment the reward is bestowed. This supposes that the reward is to be in the appointment of a body; so that if it be at the appointment of a single person, the chance of contestation is altogether wanting. This chance will of course be the greater, the more numerous that body: but if the body be very small, especially if it be composed without any mixture of different interests and partialities, and its deliberations held in secret, it will amount to nothing. If the business be confined to three, or four, or half a dozen who are intimately connected, the bargain is soon made: "you serve my friend, I serve yours." Even be the assembly ever so numerous, the chance of contestation is but a precarious one. The task is at any rate an invidious task: he must be a man of more than common public spirit, added to more than common courage, who unprompted by party jealousy and uncompelled by office, will undertake it: nor have instances been wanting when the most numerous and discordant assemblies have concurred unanimously in the vote of rewards, which the majority have been known individually to disapprove.

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CHAPTER XIII.

REWARDS TO INFORMERS.

THE execution of a law cannot be enforced, unless the violation of it be denounced; the assistance of the informer is, therefore, altogether as necessary and as meritorious as that of the judge.

We have already had occasion to remark, that with respect to public offences, where no one individual more than another is interested in their prosecution, it has been found necessary to create a sort of magistrate, an accuser-general, to carry on such prosecutions in virtue of his office; but it is indispensably necessary that offences should be denounced to him before he can begin to act.

In a well-ordered community, it would be the duty of every individual possessing evidence of the commission of a crime, to denounce the criminal to the tribunals, and such individual would be disposed so to do. In most countries, however, men in general are desirous of withdrawing from the performance of this duty. Some refuse to perform it from mistaken notions of pity towards the delinquent; others because they disapprove of some part of the law; others from the fear of making enemies; many from indolence; almost all from a disinclination to submit to that loss which would arise from the interruption of their ordinary occupations.

In these countries, therefore, it has been found necessary to offer pecuniary rewards to informers.

So far as my knowledge extends, governments

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have never been advised to discontinue this tice. It is supported by authority, but it is condemned by public opinion: mercenary informations are considered disgraceful; salaried informers, odious. From hence it results, that the reward offered by the law does not possess all its nominal value; the disgrace attached to the service is a drawback upon its amount. The individual is rewarded by the state, and punished by the moral sanction.

Let us examine the usual objections made against mercenary informations.

1. *It is odious*, it is said, *to profit by the evil we have caused to others.*

This objection is founded upon a feeling of improper commiseration for the offender; since pity towards the guilty is cruelty towards the innocent. The reward paid to the informer has for its object, the service he has performed; in this respect he is upon a level with the judge who is paid for passing sentence. The informer is a servant of the government, employed in opposing the internal enemies of the state, as the soldier is a servant employed in opposing its external foes.

2. *It introduces into society a system of espionage.*

To the word espionage a stigma is attached: let us substitute the word *inspection*, which is unconnected with the same prejudices. If this inspection consist in the maintenance of an oppressive system of police, which subjects innocent actions to punishment, which condemns secretly and arbitrarily, it is natural that such a system and its agents should become odious. But if this inspection consist in the maintenance of a system of police, for the preservation of the public tranquillity, and the execution of good laws, all its inspectors, and all its guardians, act a useful and salu-

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tary part; it is the vicious only who will have reason to complain; it will be formidable to them alone.

3. *Pecuniary rewards may induce false witnesses to conspire against the innocent.*

If we suppose a public and well-organised system of procedure, in which the innocent are not deprived of any means of defence, the danger resulting from conspiracy will appear but small. Besides the prodigious difficulty of inventing a coherent tale capable of enduring a rigorous examination, there is no comparison between the reward offered by the law, and the risk to which false witnesses are exposed. Mercenary witnesses also are exactly those who excite the greatest distrust in the mind of a judge, and if they are the only witnesses, a suspicion of conspiracy instantly presents itself, and becomes a protection to the accused.

These objections are urged in justification of the prejudice which exists; but the prejudice itself has been produced by other causes, and those causes are specious. The first, with respect to the educated classes of society, is a prejudice drawn from history, especially from that of the Roman emperors. The word informer at once recals to the mind those detestable miscreants, the horror of all ages, whom even the pencil of Tacitus has failed to cover with all the ignominy they deserve: but these informers were not the executors of the law: they were the executors of the personal and lawless vengeance of the sovereign.

The second and most general cause of this prejudice is founded upon the employment given to informers by religious intolerance. In the ages of ignorance and bigotry, barbarous laws having been enacted against those who did not profess the do-

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minant religion, informers were then considered as zealous and orthodox believers; but in proportion to the increase of knowledge, the manners of men have been softened, and these laws having become odious, the informers, without whose services they would have fallen into disuse, partook of the hatred which the laws themselves inspired. It was an injustice in respect to them, but a salutary effect resulted from it, to the classes exposed to oppression.

These cases of tyranny excepted, the prejudice which condemns mercenary informers is an evil. It is a consequence of the inattention of the public to their true interests, and of the general ignorance in matters of legislation. Instead of acting in consonance with the dictates of the principle of utility, people in general have blindly abandoned themselves to the guidance of sympathy and antipathy: of sympathy in favour of those who injure; of antipathy to those who render them essential service. If an informer deserves to be hated, a judge deserves to be abhorred.

This prejudice also partly springs from a confusion of ideas: no distinction is made between the judicial and the private informer, between the man who denounces a crime in a court of justice, and he who secretly insinuates accusations against his enemies; between the man who affords to the accused an opportunity of defending himself, and he who imposes the condition of silence with respect to his perfidious reports. Clandestine accusations are justly considered as the bane of society; they destroy confidence, and produce irremediable evils; but they have nothing in common with judicial accusations.

It is extremely difficult to eradicate prejudices so deeply rooted and natural. From necessity, the

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practice of paying public informers continues to be in use; but the character of an informer is still regarded as disgraceful, and by some strange fatality the judges make no efforts to enlighten the public mind on this subject, and to protect this useful and even necessary class of men from the rigour of public opinion; they ought not to suffer the eloquence of the bar to insult before their faces these necessary assistants in the administration of justice. The conduct of the English law towards informers furnishes a curious but deplorable instance of human frailty. It employs them, oftentimes deceives them, and always holds them up to contempt.

It is time for lawgivers at least, to wean themselves from these school-boy prejudices, which can consist only with a gross inattention to the interests of the public, joined to a gross ignorance of the principles of human nature. They should settle with themselves once for all what it is they would have: they should strike, somehow or other, a balance between the benefit expected from the effects of a law, and the inconveniences, or supposed inconveniences, inseparable from its execution. If the inconveniences preponderate, let there be an end of the law; if the benefits, let there be an end of all obstacles which an aversion to the necessary instruments on which its efficacy depends would oppose to its execution.

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CHAP. XIV.

REWARDS TO ACCOMPLICES.

Among informers, criminals who denounce their accomplices have been distinguished from others, and the offer of pardon or rewards to induce them thus to act, has been condemned as altogether improper. It must be acknowledged that, so long as there is any other means of obtaining the conviction of a criminal, without thus rewarding an accomplice, this method is bad; the impunity necessarily accompanying it is an evil. But if there be no other means, this method is good; since the impunity of a single criminal is a less evil than the impunity of many.

In relation, however, to weighty and serious crimes, no such rewards can with propriety be appointed by a general law. A general law offering pardon and reward to the criminal who informed against his accomplices, would be an invitation to the commission of all sorts of crimes. It would be as though the legislator had said, "Among a multitude of criminals, the most wicked shall not only be unpunished but rewarded." A man shall lay plans for the commission of a crime, shall engage accomplices with the intention of betraying them; to the natural profits of the crime, such a law would add the reward bestowed upon him as an informer. It is what has often happened under English law. It is one of the fruits of the maxim which prohibits the examination of suspected persons, respecting facts which may tend to criminate themselves. It is, however, criminals who *can*

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always furnish, and who *often can alone* furnish, the light necessary for the guidance of Justice. But the examination of suspected persons being forbidden as a means of obtaining intelligence, there remains only the method of reward.

But when the reward, instead of being bestowed in virtue of a general law, is left to the discretion of the judge, and offered only when necessary, this inconvenience does not exist. Advantageous crimes can no longer be committed with security. Recourse being had to this costly method only when all other methods fail, there will always be a longer or shorter interval, during which every criminal will feel himself exposed to the punishment denounced against his crimes. The employment of reward in this manner having become usual, will exercise upon the security of criminals the effect of a general law: it might even be prescribed by such a law. This method would then possess all the advantages of an unconditional law without its inconveniences.

Beccaria has condemned, without exception, every reward offered to accomplices. As the foundation of his opinion, he produces only a confused sentiment of disapprobation attached to the words "*treason* and *faithlessness*."

Voluntary conventions among men are generally useful to society. It would be in most cases productive of evil were they not considered binding. Infamy has therefore become constantly attached to the terms *treason* and *faithlessness*. The acts, however, to which these terms are applied are only pernicious in as far as the contracts of which they are violations are at least innocent. To render the security of society (which crimes, were they to remain unpunished, would destroy) subordinate to the accomplishment of all manner of engagements,

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would be to render the end subordinate to the means. What would become of society, were it once established as a principle, that the commission of a crime became a duty if once it had been promised? That promises ought to be performed, is a maxim which without a limitation, excepting those the performance of which would be pernicious to society, ought to have place neither in laws nor in morals: it is doubtful which would be most injurious; the non-performance of every promise, or the performance of all. Far from being a greater evil than that to which it is opposed, it would be difficult to shew that the non-performance of criminal engagements is productive of any evil. From the performance of such an engagement, an unfavourable judgment only can be formed of the character of the party: how can a similar judgment be formed from its violation?—Because he has repented of having committed, or been willing to commit, an action injurious to society, and which he knew to be so, does it follow that he will fail to perform actions which he knows to be innocent and useful?

From the violation of engagements among criminals, what evil can be apprehended?—that unanimity shall be wanting among them?—that their enterprizes shall be unsuccessful?—that their associations shall be dissolved? It is proverbially said "there is honour among theives." The honour which cements their conspiracies is the pest of society. Why should we not seek to inspire them with the highest degree of distrust towards each other? Why should we not arm them against each other, and make them fear lest they should find an informer in every accomplice? Wherefore should we not seek to fill them with a desire to inform against and mutually to destroy each other? So that

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each one uneasy and trembling in the midst of his fellows, should fear his companions as much as his judges, nor be able to hope for security but in the renunciation of his crimes. This is exactly what the consideration of the public welfare would lead us to wish; and if we are to be turned aside from the care of this object by regard to the fidelity of thieves and murderers to their engagements, for a still stronger reason, from humanity, ought we to abstain from punishing their crimes.

Beccaria, upon just ground, condemns the sovereigns and judges, who after having enticed an offender to become an informer, afterwards violate their promise and render it illusory. In this case we need not fear to give vent to the feelings of horror and indignation which so mischievous a proceeding inspires. It is mischievous in the highest possible degree. It destroys all future confidence in similar offers, and renders powerless this most necessary instrument. It cements, instead of weakening, the union of criminals among themselves; and causes government itself to appear as the guardian of their society, by adding mockery to the rigour of the law, by punishing the individual who has confided in its promises.

But, says Beccaria, "*Society authorizes treason, detested even by criminals among themselves.*" We have already seen what is to be understood by this treason. It is natural to criminals to detest it—it is their ruin: it ought to be approved by honest men—it is their safeguard. *It will introduce crimes of cowardice and baseness.* No, it will introduce acts of prudence, of penitence, and of public utility; it will operate as an antidote to all crimes. *These pretended crimes of cowardice are more injurious to a nation than the crimes of courage.* The

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truth is exactly the reverse: which produce most alarm in society, privately stealing and swindling on the one side, or highway robbery and murder on the other? *The tribunal which employs this expedient, discovers its uncertainty.* It discovers that it can know nothing without having learnt it. By what means can a judge attain to certainty without witnesses? In what country is it customary for criminals to make the judges the confidants of their misdeeds and their plans? *The law exhibits its feebleness in imploring the assistance even of him who has broken it.* The law seeks the offender who flies from it: if the means employed for his discovery are effectual, it only exhibits its wisdom.

But if rewards are to be bestowed upon criminals who denounce their accomplices, Beccaria desires that it may be in virtue of "a general law, which should promise impunity to every accomplice who discovers a crime, rather than by a particular declaration in each particular case." The reason he assigns is, that "such a law would prevent the combination of malefactors, by inspiring each of them with the fear of exposing himself alone to danger, and that it would not serve to give that boldness to the wicked who see that there are some cases in which their services are required." But we have already observed that the particular declaration equally serves to prevent this combination, and that it is the general law which tends to give boldness to the wicked, and even creates the belief that justice cannot be executed without them.

"A law of this nature," adds Beccaria, "ought to join to impunity the banishment of the informer." A condition of this nature could only serve to render the law inefficacious in a variety of cases, and also contains a contradiction in terms. A law

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joining banishment to impunity! Is not banishment a punishment?*

* To the edition of Beccaria published at Paris in 1797, are added some notes by Diderot, unfortunately they are short and few. I translate those which relate to the present chapter.

"The errors of courts of justice and the feebleness of the law, even when crimes are known to have been committed, are matters of public notoriety. It is in vain to endeavour to conceal them, there is nothing therefore to counterbalance the advantage of disseminating distrust among malefactors, and rendering them suspected and formidable to one another, and the causing them without ceasing to dread in their accomplices so many accusers. This can only tend to make the wicked cowards, and every thing which renders them less daring is useful."

"The delicacy of the author exhibits a noble and generous heart: but human morality, of which laws form the basis, is directed to the maintenance of public order, and cannot admit among the number of its virtues the fidelity of malefactors among themselves, that they may disturb that order, and violate the laws with greater security. In open war, deserters are received, with greater reason ought they to be received in a war carried on amidst silence and darkness, and whose operations consist of snares and treachery."

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CHAPTER XV.

COMPETITION AS TO REWARDS.

When a portion of the matter of reward is allotted for the purchase of services, ought the liberty of competition to be admitted? In any and what cases? What is the general rule, and what are the exceptions? In the case of what species of service? For what species of reward?

If popular opinion is to determine, the question concerning the general rule is already answered. In all cases in which no particular reason can be given to the contrary, the liberty of competition ought to be admitted upon the largest scale. Yet to this decision of the public, the practice of nations, that is of those who bear the sway in nations, is by no means uniformly conformable; there are privileges and there are exclusions: pursuits open to one set, closed to another set of men: all governments have been more or less infected with that intermeddling disposition, which believes it can give perfection to particular species of service, by appropriating its exercise exclusively to particular individuals.

That there may be cases fit to be excepted out of the above general rule, is allowed; but before we come to the consideration of the exceptions, let us see how the matter stands upon principle—whether the people are most right or their rulers.

And in the first place, by way of illustration, let us stop a moment to examine the connexion there is upon this occasion between reward and punishment. Let us suppose, apprehensions are entertained of the prevalence of murder and incen-

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diarism. Against a particular person the suspicions are stronger than against any one else. There is as yet no law against either of those offences. The sovereign, intending to do his utmost to guard the state against those calamities, sends for the suspected person, and prohibits him from committing any such crimes, under such penalties as he thinks proper: for the suspected person, observe, and for him only; there being as yet no general law prohibiting such enormities, and everybody else being left at perfect liberty. If it were possible that any such incident could have happened within time of history, should not we pronounce at once, that either the nation could not yet have emerged from a state of the profoundest barbarism, or else that the sovereign so acting could not have been in his right mind? Such however is the exact counterpart of the policy of him, who wanting a service to be performed of such a nature as that, for aught he can be certain, there are several competent to perform it, some better than others, and each man according to the motives that are given him better than himself, commits the business to one in exclusion of the rest.

If penal laws must be applicable to all, that there may be a chance of preventing all offences, the offer of reward ought to be general, that there may be a chance of obtaining all services, and of obtaining the best.

If we enquire in detail for the reasons why competition for reward, and for everything else which can be bestowed in the way of producing service, should be as open and as free as possible, the question may be considered in two points of view: first, as it concerns the interests of those for whose sake the service wanted is to be performed; secondly, as it concerns the interests of those by whom the service might come to be performed.

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With regard to the former set of interests; it has already been observed,* as a reason for the employment of reward, as a fitter instrument than punishment, for attaining a given degree of excellence, the idea of which has already been conceived by the person who wishes it to be attained,—that the chance is greater when reward is employed as the incitement, than when use is made of punishment; because, punishment can only operate upon a few selected individuals, and should they be unequal to the task, would be altogether employed in vain. Whatever number you select, you forego all the chance which you might have of the service being performed by any one else. The case is equally the same when rewards are offerred to a selected few. Allowing the liberty of competition, you may propose rewards to any number without expense: you pay it but to one: you do not pay it till the service is performed: and the chance of its being performed is in proportion to the number of persons to whom it is proposed.

Another advantage which reward has over punishment, as we have seen, is, that by means of the former the value of the service may be brought to an indefinitely high degree of perfection. But this can only be effected by means of a free competition. In this way, and this only, can individuals be led to exert their faculties. Were the reward proposed to one only, having rendered the degree of service sufficient to entitle him to the reward, he would stop there: to make the exertions necessary to carry it to any higher degree of perfection would be to trouble himself to no purpose. But let a reward be offered to that one of two competitors, for example, who best performs the service: unless either of them

* Book 1, ch. vii. p. 51.

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knows exactly the degree of skill possessed by the other, and knows it to be clearly inferior to his own; each will exert himself to his utmost, since the more perfect he makes his work, the better chance has he of gaining the reward. The matter is so ordered, that for every part of the greatest degree of service he can possibly find means to render, there will be a motive to induce him to render it. The same reasoning may be applied to any other number of competitors; and the chance of perfection will be increased, if the faculties of the competitors are equal in proportion to their number.

Should he who has the disposal of the reward assert, "I am acquainted with an individual more competent than any other to perform the service in question, and with whom no one can be placed in competition," his assertion is exposed to this dilemma: upon a fair trial of skill, either this person will stand first, or he will not; if he stand first, the competition is not to his prejudice, but redounds to his honour; if another excel him, the advantage of a free competition is proved. Partiality is either mischievous or unnecessary.

We next consider the question as it affects the interest of those who might be admitted as competitors.

Reward in its own nature *is a good;* all competitors think so, and that a balance of good remains even after deducting the evil of that labour, whatever it be, which is expended in the performance of the service, or they would not be competitors. He who has the disposal of the reward thinks so, or he would neither offer it, or be so anxious as he sometimes is to secure it for those to whom he wishes to give a preference. But when there is no special reason to the contrary, why should not all the members of a state have a chance of obtaining the

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goods to be distributed in that state? To exclude any man from any chance he might have of bettering himself, is at best a hardship; if no special reason can be given for it, it is injustice, and one of those species of injustice, which, if administered on pretence of delinquency, would openly bear the name of punishment.

It may be objected, that if a free competition were allowed, that "the number of competitors would be very great, while the reward being confined to one or to a very small number, one only will be paid for his labour; the lot of the rest would be lost labour and disappointment; that the public would be losers, by their labours being diverted from services of greater utility, and that the service would, without this competition, be performed in a sufficient degree of perfection, or if performed in any higher degree would be of no further use."

The following considerations may serve as a reply to these objections. Where there is nothing more than the mere loss of labour to those who can afford to lose it, or of anything else to those who can afford to part with it, the possible amount of mischief, be it what it may, can afford no sufficient reason for narrowing competition. If there be the pain of disappointment after trial, there has been the pleasure of expectation before trial; and the latter, there is reason to believe, is upon an average much greater than the former. The pleasure is of longer continuance; it fills a larger space in the mind; and the larger, the longer it continues. The pain of disappointment comes on in a moment, and gives place to the first dawning of a new hope, or is driven out by other cares. If it be true, that the principal part of happiness consists in hope, and that but few of our hopes are completely realized,

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it would be necessary, that men might be saved from disappointment, to shut them out from joy.

It may further be observed, that the liberty of competition seldom includes so many, as if considered with regard to the particular nature of the service it would seem to include. Where it is not restrained by institution, it is often restrained by nature, and that sometimes within very narrow bounds. Services depending on opportunity, are confined to those to whom fortune shall have given the opportunity; services depending on science or on art, are confined to those whom education and practice have familiarised with the science or the art; services depending on station, are confined to one, or to the few, if there be more than one, who at the time in question are invested with that station. Thus the objection derived from the too great number of competitors is almost always without foundation.

It also often happens that, independently of the reward given to the successful candidate, the service even of the unsuccessful pays itself. This is more particularly apt to be the case with regard to services of indefinite excellence which depend on skill. Some develop their talents; others obtain notoriety; one discourse obtains the reward; twenty candidates have improved their minds in endeavouring to obtain it. The athletic exercises which on such a vast variety of occasions were celebrated throughout ancient Greece seem to have been open to all comers: it was but one at each game that could obtain the prize; but even the unsuccessful combatants found a sort of subordinate advantage in the reputation of having contended, and the advances made by them in those energies, which at that time of day gave distinguished lustre to every one who excelled in them.

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It may even happen, that the service of the successful shall be no object, and that the services looked to on the part of him who institutes the reward shall be those which are performed by the unsuccessful. The Grecian games just mentioned may be taken as an example. The strength of the successful combatant was no sensible advantage to the country: the object aimed at was the encouragement of personal prowess and skill. In this country, the prizes given at horse races have a similar sort of object. From the few horses who win, the public may reap no particular advantage; but the horses which are beaten or never contend for the prize, are improved by the emulation to which it has given birth.

By the English Government, very ample rewards are offered to him who shall discover the most perfect and practicable mode of ascertaining a ship's longitude at sea. One effect of this reward is to divert from their employments a multitude of artists and students in various branches of physical science, of whom a few only can have any recompence for their expense and labour. To pay all that would try might probably be impracticable; but the benefit of the service appears to counterbalance this inconvenience; and in point of fact, the persons who can suppose themselves qualified to contend in such a race are so few, that this inconvenience can scarcely be very considerable. Were the same reward to be given for running, boxing, or wrestling, the common businesses of life would be deserted, and all the world would become runners, boxers, and wrestlers.

Amongst the Athenians, rewards not vastly inferior, considering the difference in the value of money and the common rate of living, were actually given to such athletic exercises. But the

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Athenians were as much in the right so to do as we should be in the wrong to imitate them. In those days when success in war depended almost entirely upon bodily address and vigour, encouraging the performance of these exercises, was disciplining an army; and the national wealth could suffer little, since the labours of agriculture were chiefly carried on by slaves.

The advantages resulting from the most unlimited freedom of competition therefore are—1. Chance of success increased according to the number of competitors. 2. Chance of the highest success increased by invigorating the increased efforts of each competitor. 3. Equality established. 4. Number of works multiplied. 5. Latent talents developed

APPLICATION OF THE ABOVE PRINCIPLE.

The cases to which this principle may be applied are much more extensive than might at first view be imagined: it covers a great part of the field of legislation; it may be applied to ecclesiastical, to fiscal, to administrative, and to constitutional laws.

This rule is in direct opposition to the fundamental principle of Hindoo legislation. In that country, every man belongs to a caste from which he cannot separate himself. To each caste belongs the exercise of certain professions: there is a caste of learned men, a caste of warriors, and a caste of labourers. Emulation is thus reduced within the narrowest bounds, and the energies of the people are stifled.

This principle is opposed to those ecclesiastical regulations, by which all who refuse to sign certain articles of belief, or refuse to pronounce a certain number of words concerning theological subjects,

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are excluded from certain professions. The greater the number of individuals thus excluded, the greater the loss sustained by the diminution of competition in the performance of those services.

This principle is in direct contradiction to a multitude of fiscal and administrative laws, establishing exclusive privileges in favour of certain branches of commerce and trade; fixing the price of commodities, and the places at which they are to be bought and sold; prohibiting the entry or the exit of various productions of agriculture or of manufactures. These are so many expedients limiting competition, and are injurious to the national wealth.

The father of political economy has from this principle in a manner created a new science: the application he has made of it to the laws relating to trade has nearly exhausted the subject.*

By two opposite competitions, prices are fixed. Competition among the purchasers secures to the producers a sufficient compensation for the outlay of their capital and labour. Competition among the sellers, serving as a counterpoise to the other, produces a cheap market, and reduces the prices of commodities to the lowest sum for which it is worth while to produce them. The difference between a low price and a high price is, a reward offered to the purchaser by one seller for the service he will render to him, by granting what remains to be gained, to him instead of to his competitor who requires more.

In all trades, and in all arts, competition secures to the public not only the lowest price but the best work. Whatever degree of superiority is possessed by one commodity over another of the same de-

* Wealth of Nations.

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scription meets with its reward either in the quantity sold, or in the price at which it is sold.

As to stores of every description of which the public stands in need, why is not the competition left open to all who may choose to undertake the supply? It is not difficult to find the determining reason: it is more convenient to serve a friend, a dependant, or a partizan, than a person unknown, or perhaps an enemy. But this is not an avowable reason: for the public, some other must be sought. Open competition would, it is said, produce a multitude of rash contractors. The terms in appearance most advantageous to government would commonly be offered by some rash adventurer, who, in the end, would be found unable to fulfil his engagements. When the time came for the performance of his part of the contract, the stores in question would not be provided, and the service would suffer irreparable injury. It is important that the men with whom we deal should be well known. In some cases, these reasons may not be without foundation, but they are most frequently illusory.*

* The following is the general outline of an arrangement by which all the above difficulties would be effectually removed:—Unlimited competition; with power to the minister, or to any competent authority, to reject the offer, which ought according to the general rule to be accepted: power also to the offerer to call upon the minister, or competent authority, to assign their reasons for such rejection. When all this is done publicly, no attempt would be made to reject the offer of a man, who, together with his sureties, was known to be perfectly responsible.

A praise to which one of the most *celebrated* ministers in England is justly entitled, and about which there is no difference of opinion, is the having, with more consistency than any of his predecessors, followed this principle. Mr. Pitt divested himself of this source of influence, so dear to ministers, and opened a free competition for all contracts and all loans. It is

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The very nature of the reward may sometimes render it necessary to depart from the system of competition. It is not every office that can be offered to every one disposed to undertake it. Ought the education of a prince to be offered to him who writes the best treatise upon that education? No: such an office requires qualities and virtues, and particularly a knowledge of the world, which might not be possessed by the philosopher who had resolved the problem.

Ought the office of master of the mint to be offered to any one who produces the best die? No: this important duty requires a probity, an exactness, a habit of regularity, which has no connexion with manual skill. This is a reason, and the only reason, for not offering such offices to all the world; but it is no reason for not attaching to this service another reward to which all the world might aspire.

Some services, which are not directly susceptible of open competition, are so indirectly; that is, by making the competition consist in the performance of some preliminary service, the execution of which may serve as a test of a man's ability to perform the principal service. This is what is done in the case of extensive architectural works, when artists are invited to give in their plans and their models: this is all that the nature of the service allows of.*

unnecessary to point out the advantages resulting from this just and liberal policy; they are known to all the world; and the example set by him has been a law to his successors.

* Some years ago, it was thought desirable to have a general Index made to the Journals of the House of Commons; for if it be not yet desirable to have the laws themselves methodized, it has however been thought desirable to methodise the history of the proceedings of this branch of the legislature. It was an undertaking of very considerable difficulty, both in

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When, some years ago, it was designed to erect, in the neighbourhood of London, at the public expense, a Penitentiary House, the mode of unlimited competition was adopted, in order to obtain plans for it. The superintendants received sixty-five plans, from among which they had an opportunity of making a selection, instead of the one which they would have received, had the system of favouritism been pursued. If, without reward, a plan superior to the best of those thus obtained, has since been devised, it may be attributed to the share which chance has in every new invention: the offer of a reward may accelerate the development of new ideas, without enabling an individual to complete the arrangement of his plans at a given moment.

When the British Parliament offered a reward of 20,000*l.* for the discovery of a mode of finding the

consideration of its magnitude, and the variety of matter it embraced. How were fit persons to be selected for it? Competition, in the usual mode, could not have been employed. The legislature could not say to men of letters,—Work, and the best workman shall be rewarded. Who, uncertain of being paid for it, would have devoted his life to so repulsive an employment? The course taken was this: The work was put into the hands of four men of letters, selected one knows not how, nor by whom, nor why. The work was divided amongst them in such sort, that each of them received to his share such and so many volumes, according as he was most in favour. The result has been four indexes instead of one, all of them materially varying in method and completeness, and rendering unavoidable the great inconvenience of consulting four volumes instead of one. If a plan analogous to that employed in the case of architectural works had been adopted, the course taken would have been to advertise a premium for the best essay on the art of index-making, and particularly as applied to the work in question. As a still further security, an index to one volume might have been required by way of specimen; and to him who gave the greatest satisfaction upon both these points, the conduct of the work should have been committed.

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longitude, they were not guilty of the absurdity of confining the competition to the professors of natural philosophy and astronomy at Oxford and Cambridge. To resolve the problem of the best system of legislation is more important and more difficult. Why, in mixed governments, has it been hitherto confined to the members of the legislative body, and in monarchies, to the chancellor? The determining reason is abundantly clear: those who are in possession of the power, those to whom it belongs to propose this problem, are ashamed to make a public avowal of their own incapacity to solve it; they carefully avoid all acknowledgments of their own incapacity or indolence; they are willing that their labours should be rendered as little burdensome as possible, by following the ordinary routine, and not that they should be increased by the exhibition of the necessity of reform. In a word, they desire not to be advised, but to be obeyed. While subject to the influence of such circumstances, it can be considered no matter of surprise, that they should, as far as possible, have made the science of legislation an exclusive monopoly. The interests of human nature cry aloud against this contemptible jealousy. The problem of the best system of laws ought to be proposed to the whole world: it belongs to the whole world to solve it.

Frederic the Great twice attempted to make a general reform in the laws of his kingdom: both times he applied to a single chancellor. The first of them, too contented with himself to suspect he could stand in need of assistance from others, produced a work the most insignificant of any which has appeared.* The second, M. Von Carmer,

* Some extracts from it may be seen.—B. iv. ch. 11.

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after having completed his labours, acted very differently and much better: before it received the authority of a law, he presented it to the public, with an invitation to learned men to communicate to him their observations upon it; seconding his invitations by the offer of rewards. It is with regret that I am constrained to ask, why did not he, who had, in this respect, thus far surpassed all his predecessors, act still more nobly? Why only ask for criticism upon a given work? Why not ask for the work itself? Why limit the invitation to Germans alone, as though there were no genius out of Germany? Why limit the reward to a sum below the price of those snuff-boxes which are presented to a foreign minister, for the service he performs in departing when he is recalled? The richest diamond in his master's crown would not have been too great a reward for him who should thus have given to all the others a new and before-unknown splendour.

On different occasions, public-spirited individuals and societies have endeavoured to supply, from their slender resources, the neglect of governments, and have offered larger rewards than the Chancellor of the Great Frederic. That which they could not offer, and which it did not depend upon them to offer, was the reward which the minds best adapted for the accomplishment of such an undertaking would esteem above every other. I mean the assurance that their labours would be judged by those who could give them authority, who could make them useful.

In conclusion, I do not say, that with regard to certain services, sufficient reasons may not be found for altogether excluding competition, but that in every such case these reasons ought to be

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ready to be rendered, otherwise it ought to be lawful to conclude that they do not exist.*

* With reference to Constitutional Law, hereditary succession to the throne is established to prevent the competition of many pretenders. It is the principal exception to the principle, and the most easily justified.

Another species of inheritance, of which the Egyptians had given an example, and the Indians have adopted, has found admirers even in our days. I refer to hereditary professions in particular families, where they can neither have two nor change their first. "Par ce moyen," dit Bossuet, "tous les arts venoient à leur perfection: on faissoit mieux ce qu'on avoit toujours vu faire, et à quoi l'on s'étoit uniquement exercé dès son enfance."—*Discours sur l'Histoire Universelle.*

Robertson, in his *Historical Researches respecting India,* has warmly approved the institution of castes, and hereditary professions. He allows, however, that this system may hinder the exertions of genius. "But society is formed," says he, "for ordinary men, and not for men of genius," &c.—*Appendix.*

If we look at a single art of Europe, that of painting for instance, its history will show, that very few artists have been born in a painting room. Among a hundred of the most celebrated painters, the father of Raphael alone handled the pencil —*Invito patre sidera verso* was the device of the illustrious Bernouilli, who could only study astronomy in secret, and in opposition to the authority of his father.

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CHAPTER XVI.

REWARDS FOR VIRTUE.

Beccaria accuses modern legislators of indifference to this subject. Punishments, says he, and, in many instances, unduly severe punishments, are provided for crimes; for virtue there are no rewards. These complaints, repeated by a multitude of writers, are matter of common-place declamation.

So long as they are confined to general terms, the subject presents no difficulty; but when an attempt is made to remove the ground of complaint, and to frame a code of remuneratory laws for virtue, how great is the difference between what has been asserted to be desirable, and what is possible!

Virtue is sometimes considered as an act, sometimes as a disposition: when it is exhibited by a positive act, it confers a service; when it is considered as a disposition, it is a chance of services. Apart from this notion of service, it is impossible to tell wherein virtue consists. To form clear ideas concerning it, it must altogether be referred to the principle of utility: utility is its *object*, as well as its *motive*.

After having thus far considered services to be rewarded, that is to say acts of public notoriety, which fall not within the boundary of ordinary actions, it remains to be shown in relation to virtue—1. What cannot be accomplished by general rewards.—2. What it is possible to accomplish,

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either by particular institution, or occasional reward.*

1. We may observe, in the first place, that those civil virtues, which are most important to the welfare of society, and to the preservation of the human race, do not consist in striking exploits, which carry their own proof with them; but in a train of daily actions, in an uniform and steady course of conduct, resulting from the habitual disposition of the mind. Hence it is precisely because these virtues are connected with the whole course of our existence, that they are incapable of being made the objects of the rewards of institution. It is impossible to know what particular fact to select, at what period to require the proof, to what particular circumstance to attach the distinction of reward.

2. Add to these difficulties that of finding a suitable reward, which shall be agreeable to those for whom it is designed. The modesty and delicacy of virtue would be wounded by the formalities necessary to the public proof of its existence. It is fostered by, and perhaps depends upon, esteem; but this is a secret which it seeks to hide from itself, and those prizes for virtue which seem to suppose that conscience is bankrupt, would not be accepted by the rich, nor even sought after by the most worthy among the poor.

3. Every virtue produces advantages which are peculiar to itself. Probity inspires confidence in all the relations of life. Industry leads on to independence and wealth. Benevolence is the source

* This will partly form an application of the principles laid down in Chap. 7. *Punition and Remuneration—their relations.* Mr. Bentham, apparently not having believed it necessary to enter into this detail, I have attempted, by this chapter, to supply this omission, if it were one.—*Note by* DUMONT.

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of kindly affections;—and though these advantages are not always reaped, they generally follow in the natural course of events. Their effect is much more steady and certain than that of factitious reward, which is necessarily subject to many imperfections.

In the reign of Louis XIV. a treatise was published "On the *Falsity* of Human Virtues." What is singular, and what the author probably never suspected is, that by some slight alterations it would be easy to convert this work into a treatise *on their reality*. The author appears to have considered them as false, because they were founded upon reciprocal interest; because their object is happiness, esteem, security, and the peaceable enjoyment of life; because men in their mutual intercourse settle with each other for their reciprocal services. But without these felicitous effects, what would virtue be? In what consists its *reality*? What would it have to recommend it? How would it be distinguished from vice? This basis of interest, which to this author appears to have rendered it *false*, is precisely that which gives it a true and solid, and we may add, an immutable existence, for no other source of happiness can be imagined.*

But if the most important class of virtues are already provided with sufficient motives to lead to their performance, either in the sufferings they prevent, or in the advantages to which they give birth, is it not superfluous to add factitious motives? The interference of legislators is useful only in supplying the deficiency of natural motives.

* The writer above alluded to, like all ascetics, unskilful in reasoning, injures the religion it was his object to serve. How strong an argument may we not derive from this coincidence between practical morality and happiness, in proof of design on the part of the supreme legislator!

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4. What would be our condition were things in a different state, were it necessary to invite men to labour, honesty, benevolence, and all the duties of their several conditions, by means of factitious reward? Pecuniary rewards, it is evident, it would be impossible to bestow. Honour, it is true, remains; but how would it be practicable to create, in the shape of honour, a sufficient fund of reward for the generality of human actions? The value of these rewards consists in their rarity. So soon as they are common, their value is gone.

In this case, as in so many other cases, there is an analogy between rewards and punishments. It is an imperfection common to both these sanctions, that they are applicable to actions alone, and exercise only a distant and indirect influence upon the habits and dispositions which give a colour to the whole course of life. Thus, rewards cannot be instituted for parental kindness, conjugal fidelity, adherence to promises, veracity, gratitude and pity: legal punishments cannot be assigned to ingratitude, hardness of heart, violations of friendly confidence, malice or envy, in a word, to all those vicious dispositions which produce so much evil before they have broken out into those crimes which are cognizable before legal tribunals. The two systems are like imperfect scales, useful only for weighing bulky commodities; and as an individual, whose life has been less guilty than that of a man of a hard and false heart, is punished for a single theft, there is also often a necessity of rewarding a certain distinguished service, performed by a man who is otherwise little entitled to esteem.

Thus, in regard to the moral virtues, which constitute the basis of daily conduct, there is no reward which can be applied to them by general institution. All that it is possible to do, is limited to

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seizing upon those striking actions, readily susceptible of proof, which arise out of extraordinary circumstances, as opportunities of conferring occasional rewards.

Rewards of this nature cannot be bestowed periodically: the occasions for performing eminent services do not regularly recur. It is the action, and not the date in the almanack, which ought to bring down the reward. The French Academy annually bestowed a prize upon the individual who, among the indigent classes, had performed the most virtuous action. The judges had always one prize to bestow, and they had but one. They must occasionally have experienced regret at leaving unrewarded actions of equal merit, and sometimes at being obliged to reward an action of an ordinary description. Besides, by the periodical return of the distribution, this prize would soon be rendered an object of routine, and cease to attract attention.

The institution of *La Rosière de Salency* may be produced in answer to the above observations: but it should be remembered, that a village institution is of a different nature. The more limited a society, the more closely may its regulations be made to resemble those of domestic government; in which, as we have already seen, reward may be applied to almost every purpose. It is thus that annual prizes may be established for agility, skill, strength; for every other quality which it may be desirable to encourage, and of which the rudiments always exist. There is not a village in Switzerland which does not distribute prizes of this nature for military exercises: it is an expedient for converting the duties and services of the citizens into *fêtes*. Geneva, whilst it was a republic, had its naval king; its king of the arquebuss; its com-

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mander of the bow; its king of the cannon. The conqueror, during the year of his reign, enjoyed certain privileges, little costly to the state; the public joy marked the return of these national exercises, which placed all the citizens under the eyes of their grateful country. *La Rosière de Salency*, designed to honour virtues, which ought to be perpetuated and renewed from generation to generation, might have a periodical return, like the roses of summer.

The *Humane Society*, established in England for the purpose of affording assistance to persons in danger of drowning, and providing the means of restoration in cases of suspended animation, distributes prizes to those who have saved any individual from death. In this case, the reward is not, as in the French Academy, confined to the indigent class alone: men of the first rank would consider it an honour to receive a medal commemorative of so noble an action. Besides, the mode of conferring these rewards has not been dramatised; the retired habits of virtue have been consulted; there is no public exhibition to which it is dragged, to be confounded or humiliated. Greater *eclât* might, however, without adding to the theatrical effect, be given to these rewards, were an efficient report made of them to the king and both houses of parliament.

An institution of a similar nature, for the reward of services rendered in cases of fire, shipwreck, and all other possible accidents, would still further contribute to the cultivation of benevolence; and these noble actions, brought in the same manner under the eyes of the legislators, and inscribed in their journals, would acquire a publicity of much less importance to the honoured individual than to society in general.

Indeed, though the reward applies only to one

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particular action, the principal object designed is the cultivation of those dispositions which such actions indicate: and this can only be accomplished by the publicity which is given to the example, and the public esteem and honour in which it is held.

When, upon the site of the prison which had been the scene of an exalted instance of filial piety, the Romans erected a temple, they inculcated a noble lesson: they proclaimed their respect for one of the fundamental virtues of their republic.*

Independently of these eminently meritorious and always rare actions, governments might render *publicity* subservient to the perfection of a great variety of services, in the performance of which the regular discharge of duty is more important than the display of extraordinary virtues. This project might be realized by the formation of a comparative table of the subordinate administrations of cities, parishes, or counties. This table would require to be renewed at fixed periods, and might be made to show which districts were most exact in the payment of taxes, in which the fewest crimes had been committed, in which useful establishments had been formed, in which the most liberal exertions had been made for the relief of calamity, what hospitals had been conducted with the greatest economy, and had been most success-

* Humilis in plebe et ideo ignobilis puerpera, supplicii causâ carcere inclusâ matre, cum impetrasset aditum, a janitore semper excussa, ne quid inferret cibi, deprehensa est uberibus suis alens eam. Quo miraculo matris salus donata pietati est, ambæque perpetuis alimentis, et locus ille eidem consecratus deæ. C. Quintio M. Acilio Coss. templo Pietatis extructo in illius carceris sede.—*Plin.* lib. vii. c. 36.

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ful in the cure of diseases;* what tribunals had decided the greatest number of causes, and from which the smallest number of appeals had been made; in what instances efficacious precautions had been adopted for relieving any particular district from causes tending to render it unhealthy,—from mendicity, from smuggling, from vice, and from misery.

Such official reports, independently of their political utility to the government, would, without parade, produce all the good effects of reward; of that reward in honour which costs nothing to the country, and yet maintains all the moral energies in full activity. Every distinguished service might find a place in these annals; and the people, always prone to exaggerate the vigilance and means of information possessed by their governors, would soon be persuaded that a perpetual inspection was kept up, not only with respect to their faults, but also their meritorious actions.

This project is borrowed, neither from the Republic of Plato, nor the Utopia of More. It is even inferior to what has in our time been carried into effect, in an empire composed of more than a hundred departments;† in which tables exhibiting, in columns, all the results of civil, economical, rural, and commercial administration, were formed with

* In the report respecting l'Hotel Dieu, by Bailli, a table of the mortality in different hospitals is given, and the process of his calculations.

† I refer here to *L'Analyse des Procès-verbaux des Conseils de Départment*; a work in 4to. published in France in 1802. This work consisted of the answers to a series of questions, addressed to each department, by the minister of the interior.

These tables have been discontinued. Such is the fact. I do not endeavour to ascertain the cause.

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greater facility and promptitude than would have been experienced by any Russian noble, had he been desirous of obtaining from his superintendants an account of the state of his property.

If rewards were established for virtue, when exhibited by the indigent classes, it would be improper to seek for striking instances of its display, or to suppose that they are actuated by sentiments of vanity, which operate feebly upon men accustomed to dependence, and almost constantly employed in making provision for their daily wants. Institutions of this nature, suited to small communities, ought to be adapted to local circumstances and popular habits. In a village or a town, for instance, it might be proper to assign a distinguished place in the church for the old men: this distinction, united to a sentiment of religion, and granted with discretion, need bear no appearance of flattery, but might be a mark of respect towards old age, rendered honourable by the blameless life which had preceded it. There exist in England many charitable institutions for decayed tradesmen, in which their situation is much preferable to that of the inhabitants of poor-houses: they have their separate dwellings, their gardens, and a small pension. Those only whose conduct has been generally honourable being admitted to these asylums, the metal badge which is worn in some instances, so far from being considered as a disgrace, is regarded as a mark of honour.

Different agricultural societies bestow rewards upon servants who have lived during a certain number of years in the same place; this circumstance being with reason considered as a proof of fidelity and good conduct.

Some of these societies also give rewards to day labourers, who have brought up a certain number

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of children without having received assistance from their parishes. This is an encouragement to economy, and all the virtuous habits which it implies: but as a means of remedying the inconveniences arising from the poor laws, its effect is extremely feeble.

In both these cases the reward generally consists of money; but the money is connected with honour; the notoriety given to the reward operates as a certificate in favour of the individual in his particular district.

By examining every thing which has been done in this respect in Holland, Switzerland, England, and elsewhere, we should become possessed of an assortment of remuneratory expedients, applicable to almost every class in society. Every thing depends, however, upon the mode of application. For this duty governments are entirely unfit. It is local inspection alone which can gain a knowledge of circumstances and superintend the details.

After all, just and discriminating public esteem; that is to say public esteem founded upon the principle of utility, is the most potent, the most universally applicable, of all the species of reward. If virtue be held in public estimation, virtue will flourish: let it cease to be held in such estimation, it will decline in the same proportion. The character of a people is the moral climate which kills or vivifies the seeds of excellence.

An inquiry into the causes of the high respect in which, under certain governments, particular virtues were held; why the virtues of a *Curtius*, of a *Fabricius*, of a *Scipio*, were nourished and developed at Rome; why other countries and other times have produced only courtiers, parasites, fine gentlemen and wits, men without energy and without patriotism, would require a moral and historical

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analysis, only to be completed by means of a profound study of the political constitutions, and particular circumstances of each people. The result would, however, prove, that the qualities most successfully cultivated were those held in most general esteem.

But public esteem, it may be said, is free, essentially free, independent of the authority of governments. This copious fund of rewards is therefore withdrawn from the hands of the supreme authority! This, however, is not the case: governments may easily obtain the disposal of this treasure. Public esteem cannot be compelled, but it may be conducted. It requires but little skill on the part of a virtuous sovereign to enable him to apply the high reward of public esteem to any service which his occasions may require.

There already exists a degree of respect for riches, honour, and power: if the dispenser of these gifts bestow them only upon useful qualities, if he unite what is already esteemed to what ought to be estimable, his success is certain. Reward would serve as a proclamation of his opinion, and would mark out a particular line of conduct as meritorious in his eyes. Its first effect would be that of a lesson in morality.

Unrewarded, the same service would not acquire the same degree of notoriety. It would be lost among the multitude of objects soliciting public attention, and remain undistinguished from the pretensions, well or ill founded, respecting which public opinion is undecided. Furnished with this patent from the sovereign, it becomes authentic and manifest: those who were ignorant are instructed, those who were doubtful become decided: the inimical and the envious are rendered less bold, reputation is acquired, and becomes per-

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manent. The second effect of the reward consists in the increase of intensity and duration given to public esteem.

Immediately, all those who are governed by views of interest, who aspire to honour or fortune; those who seek the public good, but who seek it like ordinary men, not as heroes or martyrs, eagerly press into that career in which the sovereign has united private and public interest. In this manner a proper dispensation of favours directs the passions of individuals to the promotion of the public welfare, and induces even those who were indifferent to virtue or vice, to rank themselves upon that side which promises them the greatest advantage.

Such being the power of sovereigns, he must be extremely inexpert in the distribution of honours, who separates them from that public esteem which has so decided a tendency to unite with them. Nothing, however, is more common. Instances may be found, in most courts, of splendid decorations of stars and garters in double and triple range, which do not even give a favourable turn to public opinion. They are considered as proofs of favour, but not as signs of merit.

"Honours in the hands of princes resemble those talismans with which the fairies, according to the fables, were wont to present their favourites; they lose their virtue whenever they are improperly employed."*

* Helvetius.

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CHAPTER XVII.

ACCOMPANIMENTS TO REMUNERATION.

After having exhibited in what manner the matter of wealth is applicable to the purposes of reward, we proceed to show other uses derivable from it for the public service, which are not remuneratory.

The idea of reward will be much clearer when it shall have been distinguished and separated from these accessory uses, which have certain relations with it.

1. *Wages necessary for the support of life.* Servants must be fed whilst they are employed, and there are cases in which it is necessary to feed them even before they begin to work. If the wages paid do not exceed what is necessary for this purpose, as is sometimes the case among the soldiery, and especially if the enrolments are involuntary, such wages, being absolutely necessary, are not reward.

2. *The Instruction of Servants.* Certain kinds of service require advances from Government for this object. If this instruction require much time, it is naturally begun at an early age, and is then called education. This employment of the matter of reward is sufficiently distinct from that which regards subsistence, with which however it is very frequently combined and confounded. If there are a sufficient number of individuals willing to bear this expense, so much the better; otherwise it is necessary that Government should bear it for them. This has almost everywhere been thought to be the case with respect to the church. It has

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also generally been considered necessary in new countries, or countries but little advanced in the career of prosperity with respect to the teachers and professors in most branches of science. In the war department, the corps of cadets is a nursery for young officers. The foundations of public schools are nurseries for the church. The greater number however of these foundations are owing rather to the good intentions of individuals than to the cares of governments.

3. *Equipment.* That an individual may be in a condition to render service, he must be furnished with the necessary equipments. The warrior wants his accoutrements; the astronomer his observatory; the chemist his laboratory; the mechanic his machines; the naturalist his collections of natural history; the botanist his garden; the experimental farmer a plot of ground, and funds to enable him to improve it.

4. *Indemnity.* When an individual is only indemnified, he is not rewarded: reward, properly speaking, only begins when indemnity is complete —Do we wish for services? we ought to recollect that by the person from whom we seek to obtain them, the inconveniences of every sort which compose the burthen of the service will be put into one scale, the advantages he finds attached to it into the other. To the head of indemnity belongs everything necessary to produce an equilibrium between the two; it is only the excess which is thrown into the scale of advantages which strictly belongs to the head of reward.

5. *The assuring responsibility.* In so far as the matter of reward is employed for this purpose, it is employed in laying a foundation for the infliction of punishment. The stock of punishment is in itself inexhaustible; but when the body is

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withdrawn from the hands of the ministers of justice, corporal punishment cannot be inflicted, and all other punishments can be compensated. If a servant possess property of his own, so much the better; if he possess none, and a salary be given to him, he will always have so much to lose; the loss of this salary will be a punishment he will always be liable to undergo, whatever may become of him.

The principal use of this employment of the matter of reward, is in the case of offices which place property in the hands of those who fill them. If there are no other means of securing their probity, it would not be bad economy to make their appointments amount in value to but little less than the highest interest they could reap from the largest sum they ever have in their hands. This would be to make them assure against their own dishonesty. The difference between the actual salary and the least salary they could be induced to accept, would constitute the premium. It is rarely that a distinct sum is appropriated to this purpose; on the one hand, this end is partly effected by suretyship, and on the other, the sum considered requisite for the purposes of indemnity and reward equals or surpasses what could be proposed to be allowed for it; but this function is not the less distinct from all the rest.

6. *A guarantee against temptations.* Money, like the most valuable articles of the medical pharmacopeia, may serve either as a poison or an antidote, according as it is applied. This employment of the matter of reward resembles that last mentioned, without being confounded with it. Money employed for assuring responsibility will produce its effect, though the individual be already corrupted. The use of money employed

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as a guarantee against temptation, is to prevent corruption. A less sum may suffice in this case than in the former; in that, it was necessary that the revenue granted should preserve some proportion to the sum confided; in this, such proportion is not required: the measure to be observed is only that of the wants of the individual placed in the rank that the office he occupies confers. In a word, salary, considered as a pledge, is only useful in the prevention of theft; money, employed as an antiseptic, is equally useful in the prevention of peculation in all its forms, in the prevention of all improper conduct which can have for its motive the desire of money, and for its means the situation in which the individual is placed by his office.

7. *The support of dignity.* Public opinion exacts, it matters not by what reason, from every individual possessed of a certain rank, a certain expenditure; his wants are thus increased in proportion to his dignity. Dignity, deprived of the wealth necessary for its support, furnishes in proportion to its extent an incentive to malversation, and at the same time generally furnishes the opportunity; as an antidote to such temptations, money may therefore sometimes be bestowed for the support of dignity. The good of the service may also require the same thing. It is incontestibly true that between wealth and power there subsists an intimate and natural union. Wealth itself is power, it may be proper therefore that the support of the respect which it commands be not refused in favour of certain employments, in which much depends upon the place they hold in public opinion.

8. Another use of the matter of reward consists in *the excitement of alacrity;* I mean the produc-

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tion of an habitual disposition to do what is required with pleasure. The greater the degree of mental enjoyment, the quicker and more lively are one's ideas, and the larger the quantity of work which can be performed in a given time. The mind, in a happy mood, acts with incomparably more ease than when agitated by grief; or even in its ordinary condition, when it is moved only by habit. It is the same with the bodily powers; who knows not how much the powers of the muscles depend upon the energy of the mind? What comparison is there between the labour of slaves and of free men? It is upon this that the superiority of hired soldiers over unpaid and arbitrary levies depends. In the one case, as in the other, the motive which leads to exertion consists in the expectation of being treated according to their behaviour; the motive is nothing else but the fear of pain. But in the first case there is the gratification of reward to sustain the alacrity; in the other, the labour has no other accompaniment but grief.

The simple expectation of a reward, how large soever it may be, will not always produce the same effect as a reward previously bestowed. The condition of expectancy in which the individual finds himself in such a case, is a mixed and uncertain state, in which despair and hope may alternately predominate.

The danger to be guarded against is, lest rewards previously bestowed should produce diversions little favourable to labour, either by suggesting the idea of some more favourite occupation, or by supplying the means of its pursuit. The progress of the thoughts may be accelerated, but the thoughts excited may be of a different nature;

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the dull ideas of labour may be supplanted by the enlivening considerations of shows and of pleasure.

Whether or not it is proper to bestow such rewards, depends upon the character of the individual; that character must be known, before it is possible to determine what will be their effect; but in every case there can be no greater folly than to waste in previous gratifications every thing which is destined for reward.

In conclusion, these distinctions ought not to be abused. The expense of rewards need not be increased on account of each of these items; it is not necessary to appropriate a distinct sum to each. The same sum may serve for many, and even for all. That which suffices for assuring responsibility will, in general, suffice as a guarantee against temptations, and *vice versâ*, so far as ends so uncertain may be effected by such means, and will in every case suffice for indemnification. That which suffices for equipment, may serve in part for the support of dignity and the excitement of alacrity. That which suffices for the maintenance of dignity will be sufficient for almost all the other ends; and the whole of whatever is employed for any other of these purposes, except equipment, cannot but serve for subsistence.

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RATIONALE OF REWARD.

BOOK II.

REWARDS APPLIED TO OFFICES.

CHAPTER I.

SALARY—HOW A REWARD.

THERE are many species of service, and even services of a positive nature, of which governments stand in constant and uninterrupted need: such for the most part are the duties of those who are employed in the different departments of every government. The political state or condition, on account of which individuals possessing it are considered liable to render these services, is called a place, an office, or an employment. To these places it is both natural and customary to attach, under the title of emolument, certain portions of the matter of wealth. If such emolument be determinate in amount, and paid at regularly recurring periods, it is called a salary.

It is the nature of a reward to operate as a motive, and in that capacity to give birth to acts which, by the person by whom the reward is held up to view, are esteemed services; the greater the reward, the greater is the motive it constitutes: the greater the motive, the more strenuous the

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exertion it has a tendency to produce; and if the value of the service be susceptible of an indefinite degree of perfection, the more strenuous the exertion to perform it, the greater, as far as depends upon the will of the party, will be the value of the service. Hence it follows that, if salary be reward, as far as funds can be found, salaries cannot be too large. How different the state of things presented to us when we consult experience! We see small salaries, and the service admirably well performed: large salaries, and nothing done for them. In certain lines, we see the service regularly worse and worse performed, in proportion to the largeness of the salary. Where then lies the error? In experience there can be none. In the argument there is none. The error lies in its not being properly understood: and that in general it has not been properly understood, the bad management and weak measures so frequent in this line are but too pregnant proofs. To understand the argument aright, two points must be observed: the one is, to consider, for illustration sake, that just in the same manner as punishment, and in no other manner, though with less certainty of effect, is reward capable of acting as a motive: the other point is, to consider what is really the service for which a salary is a reward.

What then is the service with respect to which a salary operates as a motive? The answer which would be generally given to this question is, the *continued* service belonging to the office to which the salary is annexed. Obvious as this answer may seem, it is not the true one. The service, and the only service, with respect to which a salary can operate as a motive, is either the simple instantaneous service of taking upon one the office, or the permanent service of continuing to stand invested

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with it. If the duties of the office—the services in the expectation of which the salary annexed to the office is bestowed, happen to be performed, it can not be owing merely and immediately to the salary: it must be owing to some other motive. If there were no other motive, the service would not be rendered. Nothing is done without a motive:—what then is this other motive? It must be either of the nature of reward or punishment. It may by possibility be of the nature of reward; but if it be so, one or other of these rewards would seem superfluous: in common it is principally of the nature of punishment. In as far as this is the case, the service for which the salary considered as a reward is given, is the service of taking upon one the obligation constituted by the punishment; the obligation of performing the services expected from him who possesses the office.

That the zeal displayed in discharging the duties of an office should not be in proportion to the salary, will now no longer appear strange. Experience is reconciled to theory. This subject will receive elucidation, if we substitute punishment for reward, and consider what tendency such a motive would have to give birth to any service, if connected with it in the same manner as a salary is annexed to an office.

Suppose a schoolmaster, intending to conduct the business of his school with regularity, were to make it a rule on a certain day, at the beginning of every quarter, to call all his scholars before him and to give each ten lashes, committing their behaviour during the rest of the quarter altogether to their discretion;—the policy of this master would be the exact counterpart of the founder of the school towards the master, if he has sought to attach him to the duties of his office by bestowing

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upon him a salary. Suppose the master, finding that under this discipline the progress of his scholars did not equal his expectations, should resolve to increase his exertions, and accordingly should double the dose of stripes;—his policy in this case would be the exact counterpart of the founder, who by the single operation of increasing the master's salary, should think to increase his diligence.

A salary is not a reward for any individual service, of the number of those which are rendered, in consequence of a man's acceptance of the office to which the salary is annexed. For the rendering of any one of these services, the salary presents him not with any motive which can come under the head of reward: the motives which it gives him belong entirely to the head of punishment. It is by fear only, and not by hope, that he is impelled to the discharge of his duty; by the fear of receiving less than he would otherwise receive; not by the hope of receiving more. Though he work ever so much more or better than a man who holds his office is expected to work, he will receive nothing more than his salary, if the salary is all that he has to hope for. By working to a certain degree less or worse, he may indeed stand a chance of having the salary, or a part of it, taken from him, or he may be made punishable in some other way; but if he continue to keep clear of that extreme degree, in such case let him work ever so little or ever so badly, he will not, as far as artificial punishment is concerned, be ever the worse. He has therefore no motive, so far as the salary is concerned, for endeavouring to pass the line of mediocrity; and he has a motive, the motive of indolence or love of ease, for stopping as far short of it as he can with safety.

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Suppose, for instance, a salary of 4000*l.* a year annexed to the office of a judge: of all the services he may come to perform in the discharge of his function, of which one is this salary the reward? Of no one whatever. Take any one of the causes which would regularly come before him for hearing; though he were to attend, and to display ever so much diligence and ever so much ability in the hearing of it, he would receive no more that year than his 4000*l.*—though he were to absent himself altogether, and leave the business to his colleagues, he would receive no less; in short, provided he does not so far swerve from his duty as to subject himself to fine or deprivation, whether he perform his duty ever so well, or ever so ill; whether he decide many causes or few; whether his attendance is constant or remiss; whether he display ever so much or ever so little ability, his salary is the same. Not that a man in this exalted station is in any want of motives to prompt him to exert himself in the discharge of its duties: he has the pleasures of power to balance the pains of study; the fear of shame to keep him from sinking below mediocrity; the hope of celebrity to elevate him above it; to spur him on to the highest pitch of excellence. These motives are presented to him by his station, but they are not presented to him by his salary.

The services, and the only services, with which the salary presents him a motive for performing, are, in the first place, the instantaneous act of taking upon him the station, that is, of subjecting himself to the obligations annexed to it, and in the event of his violating any of those obligations, to the punishments annexed to such violations: in the next place, the discharging of the smallest portion of those obligations which it is necessary

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he should discharge, in order to his receiving such or such part of the salary. Let it, for instance, be paid him quarterly: if the first quarter be paid him in advance, it will afford him no motive of the nature of reward for doing any of the business of that quarter. He has that quarter's salary; nor can he fail of enjoying it, unless, in the way of punishment, it be afterwards taken from him. If it be not paid him till the end of the quarter, the case will be still the same, unless proof of his having rendered certain services, the having attended, for example, at certain times, be necessary to his receiving it. With this exception, it may equally be said that, in both cases, for any other than the instantaneous act of taking upon him the burthen of the station for that quarter, he has no reward, nor any motive but what operates in the way of punishment.

This distinction is of importance, for if the salary given were the inducement for performing the services, the chance of having them performed, and well performed, would be exactly as the magnitude of the salary. If, for example, fifty pounds sterling a year sufficed to insure fifty grains of piety, assiduity, eloquence, and other sacerdotal virtues in a curate, five thousand of these same pounds ought to insure five thousand grains of these same virtues in a bishop or archbishop. But what everybody knows, is that this proportion does not hold; on the contrary, it most frequently happens that the proportion is inverse: the curate labours much, the bishop little, and the archbishop less.

The chance of service is as the magnitude of the punishment; and if the salary can be withdrawn, it is so far indeed as the magnitude of the salary; but it may be equally great without any

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salary: by the substitution of any other punishment instead of loss of salary.

We see, then, how it is that a salary, be it great or small, independently of the obligation which it pays a man for contracting, has not in itself the smallest direct tendency to produce services; whilst experience shows, that in many cases, in proportion to its magnitude, it has a tendency to prevent them.

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CHAPTER II.

RULES AS TO EMOLUMENTS.

BEFORE we enter upon this subject in detail, it may be necessary to remark that, the proper application of the following rules will depend upon the nature of the service required, and its various local circumstances. It is only by observing the peculiar character assumed by abuse in each office, that appropriate remedies for each particular evil can be provided. Since it is impossible to make a complete catalogue of all errors, and to anticipate every species of abuse, the rules laid down may not constitute a perfect system. They may, however, serve as a warning against errors and abuses which have by experience been found to exist, and also against some which may be imagined likely to exist. It is useful to erect beacons upon rocks whose existence has been made known by the shipwrecks they have caused. Among the rules about to be given, some may appear so self-evident as almost to seem superfluous: but if it can be shewn that errors have arisen from the neglect of them in practice, such rules, though not entitled to be considered as discoveries, must at least be regarded as necessary warnings; they may teach nothing new, but they may serve to recall principles which it is desirable should be constantly and clearly remembered.

Rule I. Emoluments ought in such manner to be attached to offices, as to produce the most intimate connection between the duty and the interest of the person employed.

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This rule may be applied in insuring assiduous attendence on the part of the persons employed. In different offices, different services are required; but the greater number of offices have this one circumstance in common: that their duties may be performed, it is necessary that the individual holding the office should be at a certain time in a certain place. Hence, of all duties, assiduous attendence is the first, the most simple, and the most universal. In many cases, to insure the performance of this duty, is to insure the performance of every other duty. When the clerk is at his desk, the judge upon the bench, the professor in his school, if there be nothing particularly irksome in their duty, and they can do nothing else, rather than remain idle, it is probable they will perform their duty. In these cases, the service required being of the continual kind, and in point of quality not susceptible of an indefinite degree of perfection; the pay being required not for certain services, but for such services as may come to be performed within a certain space of time, it may without impropriety be given in the form of a salary. But even here, the policy of making reward keep pace with service* should be pursued as closely as possible; and for this purpose the long continued mass of service should be broken down into as many separate services as possible: the service of a year into the service of days. In the highest offices, an individual, if paid by his time, should like the day labourer, and for the same reason, be paid rather by the day than by the year. In this way he is kept to his duty with more than the effect, and at the same time without any of the odium of punishment.

In the station of a judge, it is not common to

* See b. i. ch. x. rule 3.

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exact attendance by the force of punishment: at least not by the force of punishment to be applied in each instance of failure. But if it were, the infliction of that punishment for trivial transgressions, that is for one or a few instances of non-performance, would be thought harsh and rigorous, nor would any body care for the odium of standing forth to enforce it. Excuses would be lightly made, and readily accepted. Punishment in such cases being to the last degree uncertain, would be in a great measure ineffectual. It might prevent continual, but it would never prevent occasional, or even frequent, delinquency. But what cannot be effected by punishment alone, may be effected by punishment and reward together. When the officer is paid separately for each day's attendance, each particle of service has its reward: there is for each particle of service an inducement to perform it. There will be no wanton excuses, when inconvenience adheres inseparably to delinquency without the parade of punishment.

The members of the French Academy and the Academy of Science, notwithstanding all their dignity, are paid their salaries by the day and not by the year. And who are the individuals, how low or how high soever, who cannot, and who ought not to be paid in this manner? If pride has a legitimate scruple, it is that which refuses to receive the reward for labour which it has not performed. Whilst as to the objection which might arise from the minute apportionment of the salary, it is easily removed by counters given from day to day, and converted into money at fixed periods.

In the act of parliament for establishing Penitentiary houses, among other good regulations, this method of insuring assiduity of attendance has been adopted. The three superintendants receive,

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as the whole of their emoluments, each a share of the sum of five guineas, which is directed to be distributed each day of their attendance equally among those who are present.

A more antient example of this policy may be found in the incorporated society in London, for the assurances of lives. The directors of this establishment receive their trifling emoluments in this manner; and thus applied, these emoluments suffice. This plan has also been adopted as it respects commissioners of bankrupts, and by different associations.

These examples ought not to be lost, and yet, from not having been referred to general principles, they have not possessed the influence they ought to have. How often have regulations been heaped upon regulations without success! How many useless decrees were made in France to insure the residence of the bishops and beneficed clergy.

In England we have not, in this respect, been more successful, that is to say, more skilful. Laws have been enacted against the non-residence of the clergy. Laws badly contrived, and consequently useless. Punishment has been denounced and a fine imposed, which, being invariable in amount, has sometimes been greater and sometimes less than the advantage to be derived from the offence. For want of a public prosecutor in this, as in so many other cases, it has been necessary to rely upon such casual informer as may be allured by a portion of the fine: the love of gain has seldom proved a motive sufficiently strong to induce an endeavour to obtain this reward; whose value, not to mention the expenses of pursuit, is destroyed by infamy. Till this motive is reinforced

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by personal animosity, which bursts the bonds of infamy, these laws are powerless.

Such cases, which may occur once or twice in the course of ten years, throughout the whole kingdom, are neither sufficiently frequent, nor well known, to operate as examples. The offence remains undiminished; the useless punishment constitutes only an additional evil: whilst such laws and such methods, powerless among friends, serve only to bring enemies into contact! Whenever it is desirable that a clergyman should live in the midst of his parishioners, that is to say, when they are amicable, the law is a dead letter; its power is exerted only when they are irreconcilable enemies; that is, in the only cases wherein its utility is problematical, and it were to be wished that its execution would admit of an exception. His return into his parish is a triumph for his enemies, and a humiliation for himself.

Had the salaries, paid to the professors in the universities, been interwoven with their services, it might have been the custom for some of these pretended labourers to have laboured for their hire; and to be a professor, might have meant something more than having a title, a salary, and nothing to teach.

A salary, paid day by day, has an advantage beyond that of insuring assiduity of attendance; it even renders a service agreeable, which, with an annual salary, will be regarded as purely burthensome. When reward, instead of being bestowed in a lump, follows each successive portion of labour, the idea of labour becomes associated with pleasure instead of pain. In England, husbandmen, like other labourers, are paid in hard money by the week, and their labour is cheerfully

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and well performed. In some parts of the continent, husbandmen are still paid as they were formerly in England, by houses and pieces of land given once for all; and the labour is said to be performed with all the slovenliness and reluctance of slavery.

Rule II.—Emoluments ought in such manner to be attached to office, as to produce the greatest possible degree of excellence in the service rendered.

Thus far the subject has only been considered as applicable to insuring attendance in cases where assiduity of attendance appears to suffice for insuring the performance of all other duties. There follow some cases, in which it appears possible to apply the same principle, either in the prevention of abuse, or in insuring an extraordinary degree of perfection in the employment of the powers which belong to certain stations.

Instead of appointing a fixed salary, invariably of the same amount, as the emolument of the superintendant, or superintendants, of a prison, a poor-house, an asylum for orphans, or any kind of hospital, whose inhabitants depend upon the care of one, or a small number of individuals, whatever may be the difference in the degree of attention displayed, or the degree of perfection with which the service is performed, it would be well to make such emolument in some measure depend upon the care with which their duties have been performed, as evidenced by their success. In a penitentiary, or other prison, that the prisoners might be insured from all negligence or ill-treatment, tending directly or indirectly to shorten their lives, make a calculation of the average number of deaths among the prisoners in the particular prison, compared with the number of persons confined there. Allow the superintendant each year a certain sum for

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each person of this number, upon condition, that for every prisoner who dies, an equal sum is to be withheld from the amount of his emoluments. It is clear, that having a net profit upon the lives of all whom he preserves, there is scarcely any necessity for any other precaution against ill-treatment, or negligence, tending to shorten life.*

In the naval service, the laws of England allow a certain sum for each vessel taken or destroyed, and so much for every individual captured. Why is not this method of encouragement extended to the military service?

Is the commander of an army employed in defending a province—allow him a pension which shall be diminished in proportion to the territory he loses. Is the governor of an important place besieged—allow him so much for every day that he continues the defence. Is the conquest of a province desirable—promise to the general employed, besides the honours he shall receive, a sum of money which shall increase in proportion to the territory he acquires, besides giving him a pension, as above, for preserving it when acquired.

To the principal duty of taking and destroying those who are opposed to him, might be added, the subordinate duty of preserving the living machines whose exertions are necessary for its accom-

* "The managers of *L'Hôtel Dieu* were used to charge fifty livres for each patient who either died or was cured. M. de Chamousset and Co. offered to undertake the management for fifty livres, for those only who were cured. All who died were not to be reckoned in the bargain, and were to be at their expense. The offer was so admirable, it was not accepted. It was feared that they would not be able to fulfil their engagement. Every abuse which it is attempted to reform is the patrimony of those who have more credit than the Reformers."—*Quest. Encycl.* art. *Charité.*

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plishment. The method proposed for the preservation of prisoners, why should it not be employed for the preservation of soldiers? It must be acknowledged, that no reward exclusively attached to this subordinate duty could, in the mind of a prudent commander, add anything to the weight of those arguments which arise out of the principal object. A soldier when he is ill, is worth less than nothing; a recruit may not arrive at the moment, may not arrive at all, and when he has arrived he is not like a veteran. If therefore it be proper to strengthen motives thus palpable, by a separate and particular reward, it ought at least to be kept in a subordination sufficiently marked with respect to the principal object.

Thus much as to a time of war. In time of peace the propriety of this method is much less doubtful. It is then that the attention of a general should be more particularly directed to the preservation of his soldiers. Make him the insurer of their lives, and he will become the rival of Esculapius in medical science, and of Howard in philanthropy. He will no longer be indifferent, whether they encamp upon a hill or in a morass. His vigilance will be exercised upon the quality of his supplies, and the arrangement of his hospitals; and his discipline will be rendered perfect against those vices of armies, which are sometimes no less destructive than the sword of the enemy.*

The same system might be extended to ships of war, in which negligence is so fatal, and in which general rules are so easily enforced. The admiral, or captain, would thus have an immediate in-

* A slight sketch is all that can be attempted: the details would occupy too much space. A general might be made the insurer, as it respects those who die of disease, but not of those who are killed.

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terest in the preservation of each sailor. The admirable example of Captain Cook, who circumnavigated the world, and traversed so many different climates and unknown seas, without the loss of a single sailor, would no longer be unfruitful. His instructions respecting diet, change of air, and cleanliness, would not be neglected. The British navy, it is true, is much improved in these respects, but who can tell how much greater perfection might be attained, if to the already existing motives, were added the influence of a constantly acting interest, which, without injuring any virtue, might supply the place of all, if they were wanting?

In the application of these suggestions, there may be difficulties: are they insurmountable? It is for those who have had experience to reply.

In the treaty made by the Landgrave of Hesse Cassel, relative to the troops which the British government hired of him to serve in America, one stipulation was, that for every man not returned to his country, he should receive thirty pounds. I know not whether such a stipulation were customary or not, but whether it were or not, nothing could be more happily imagined, either for the fiscal interest of the sovereign lender, or the interest of the individuals lent. The spirit of party found in this stipulation a theme for declamation, as if its only effect were to give to the prince an interest in the slaughter of his subjects; whilst, if anything could counterbalance the mischievous effects of the treaty, it was this pecuniary condition. It gave to these strangers a security against the negligence or indifference of the borrowers, on account of which they might more willingly have been exposed to danger than native subjects. The price attached to their loss would

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act as an insurance, that care should be taken to preserve them.

It has been said, that in some countries the emoluments of the commanders of regiments increase in proportion to the number of non-effectives: that is to say, that they receive always the same amount for the pay of his corps, though they have not always the same number of men to pay. Such an arrangement is precisely the opposite of what is recommended above. The number of non-effectives increasing by death or desertion, the commander gains in money what he loses in men. Every penny which he is thus permitted to acquire is a reward offered, if not for murder, at least for negligence.

Note.—The principles thus laid down by Mr. Bentham are susceptible of great diversity of application. When Mr. Whitbread brought into parliament his bill for the establishment of schools for the education of the poor, I flattered myself that I had discovered one instance to which they might very readily be applied; and, in a letter addressed to Sir Samuel Romilly, from which the following paragraphs are extracted, I explained my ideas upon the subject. It will be perceived, that the whole plan depends upon the principles laid down in this chapter.

"Mr. Whitbread has been fully aware of the necessity of superintendance in respect to the masters,—and he has proposed to commit it to the clergyman and justices of the peace; but it is not difficult to foresee, that this burthensome superintendance will be inefficacious. No good will be effected unless the interest of the master is constantly combined with all parts of his duty. The only method of accomplishing this, consists in making his reward depend upon his success; in giving him no fixed salary; in allowing him a certain sum for each child, payable only when each child has learned to read; in a word, in paying him, as workmen are sometimes paid, by the work done.

"When he receives a fixed salary, the master has only a slight interest in the progress of his pupils. If he act sufficiently well to prevent his being discharged, this is all that can reasonably be expected.

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"If he receive no reward till the service be performed, he has a constant interest in performing it quickly. He can relax his exertions only at his own expense. There is no longer any necessity for superintendance. The master will himself seek to improve the modes of instruction, and to excite the children to emulation. He will be disposed to listen to the advice, and to profit by the experience of others.

"When he receives a fixed salary, every new scholar increases the trouble of the master, diminishes his exertions, and disposes him to complain. Upon the plan which I propose, it is the master who will stir up the negligent parents; it is he who will become the servant of the law. Instead of complaining that he has too many pupils, he will only complain if he have too few. Should he have three or four hundred, or even as many as Mr. Lancaster, like him, he would find the means of attending to them all; he would employ the most forward in instructing those who were less advanced, &c. &c.

"Should a negligent or incapable master be appointed, he would be forced to quit his place. Substitute for this plan examinations, depositions, and decisions, and see what would be the consequence.

"There would be no difficulty in the execution of this proposed plan. It would be sufficient if, twice or thrice in the year, that the clergyman, and certain justices of the peace, or other persons of consequence, who were willing to promote so useful a work, should meet together for two or three hours at the school-house. The examination of each scholar would not occupy more than half a minute. The master himself might be trusted for selecting only such as were capable of undergoing the test, and an honorary would thus be added to his pecuniary reward, by the publicity given to his success."—DUMONT.

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CHAPTER III.

FEES AND PERQUISITES—NONE.

ANOTHER expedient is often employed in the payment of public officers. I refer to the fees, which they are sometimes authorised to receive on their own account, from those who require their services.

This arrangement is attended with a specious advantage, and a real danger. The advantage is, that the reward seems to be exactly and directly in proportion to the labour performed. The danger lies in the temptation given to such officers to increase their emoluments, by increasing the difficulties of those who need their services. The abuse is easily introduced. It is very natural, for example, that an individual who has been served with an extraordinary expedition, should add something to the accustomed fee. But this reward, bestowed on account of superior expedition in the first instance, infallibly becomes a cause of delay in all which follow. The regulated hours of business are employed in doing nothing, or in doing the least possible, that extraordinary pay may be received for what is done out of office-hours. The industry of all the persons employed will be directed to increasing the profit of their places, by lending one another mutual assistance; and the heads of departments will connive at the disorder, either for their share of the benefit, or out of kindness to their inferiors, or for fear of rendering them discontented.

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The inconveniences will be yet greater, if they relate to a service covered with a mysterious veil, which the public cannot raise. Such is the veil of the law. The useless and oppressive delays in legal procedure arise from very complicated causes; but it cannot be doubted, that one of the most considerable of these causes is the sinister interest which lawyers have in multiplying processes and questions, that they may multiply the occasions for receiving fees.

Integrity is more easily preserved in public offices in which there are no fees, than those in which they are allowed. A lawful right often serves as a pretext for extortion. The distinction between what is permitted and what is prohibited, in many cases, is exceedingly minute; and how many temptations may occur of profiting by the ignorance of strangers, when circumstances will insure impunity! An easy method of detecting offences is a great restraint. Whenever therefore fees are allowed, a list of them should be publicly fixed up in the office itself: this will operate as a protection to the persons employed against suspicion, and to the public against vexation.

This mode of rewarding services supposes, that the individuals, who stand in need of them, should bear the expenses of the establishment: this is true only in case the benefit is solely for those individuals; in all other cases fees constitute an unequal and very unjustly assessed tax. We shall have occasion to recur to this subject shortly.

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CHAPTER IV.

MINIMIZE EMOLUMENT.

Rule III.—The amount of the salary, or other emoluments, attached to every office, ought to be the least that the individuals, qualified to execute its duties, are willing to accept for their performance.

The fair and proper price of any vendible commodity is the least that anybody will take for it; so that the expectation of like payment shall be a sufficient inducement to the labour requisite to produce other like articles in future. The fair and proper price of any service is the least that anybody will do it for: so that if more were given, it would be done either not at all the better, or not so much the better as that the difference of quality should be equivalent to the difference of expense. In this proper and necessary price is included, of course, everything necessary to enable the individual to perform, and to continue to perform, the service; and also whatever is necessary, on account of the disadvantages attending the service, and on account of the chance which may be given up of the advantages that might be expected from other services.

At the first establishment of an office, it may be difficult accurately to determine what ought to be the amount of its emoluments: in this, as is the case with every commodity when carried to market for the first time, we can only be guided by chance.

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The number and character of the candidates will, however, soon determine whether the amount offered is too large or too small.

According to this rule, the salaries paid to the judges in England, which appear so considerable, are scarcely enough; since, as we have already seen, they are not sufficient to induce those, who are best qualified to discharge the duty, to undertake the office.

In France, before the revolution, scarcely any salaries were paid to the judges; they were not drafted from the class of advocates, and no sacrifice was required of them when they entered upon their duties; it was not necessary that they should be possessed of much experience, and their reward consisted principally in the honour and respect attached to their station. In England, the number of judges is so small, that there is no place for ciphers: it is necessary that each judge should possess, from the first day he enters upon his office, that skill which, in the present state of immensity and obscurity in which the law is found, can only be the fruit of long study. In France, among the enormous multitude of her judges, there was always a sufficient number endowed with the requisite skill; and the novice might, so long as he chose, preserve a Pythagorean silence.

A method of ascertaining the proper amount of emoluments for any office, simple as it is efficacious, is afforded by allowing the persons employed to discharge their duty by deputy; if no one employs a deputy, the emoluments cannot be much too great; if many individuals employ deputies, it will be only necessary to observe what is paid to the deputies: the salary of the deputy is the proper salary for the place.

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If this rule be applied to the emoluments of the clergy, and it be asked what is the proper price for their services, the answer is not difficult. It is, *primâ facie*, the price given by one class of the clergy, and received by the other; it is the current price of curacies. I say always *primâ facie*, for, in reality, the current price is somewhat greater; part of the price being made up in hope. For insuring the due performance of all the duties of their office, this price is found to be sufficient. The possession of any greater emolument is not only useless but pernicious, inasmuch as it enables them to engage in occupations incompatible with the due performance of their function, and as it tends to give them a distaste for the duties of that function.

The inequality observable in the emoluments of the established clergy, is also disadvantageous in respect to the greater number of ecclesiastics. The comparison which they make between their condition, and that of the rich incumbents, diminishes still further, in their eyes, the value of what they receive. A reward so unequal for equal services, degrades those who receive only their proper portion. The whole presents the appearance of a lottery, of favour and injustice, ill according with the moral character of their vocation.

It is a good rule of economy to employ only real labourers, who do not think themselves superior to the work they have to perform. Dutch florists ought not to be employed in the cultivation of potatoes.

It is well also fully to employ the time of the individuals employed. The duties of many public offices require only three or four hours attendance

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daily. After the office hours are passed, such individuals seldom are able profitably to employ their time. The leisure they possess increases their wants. Ennui, the scourge of life, is no less the enemy of economy. It is among this class, that those who are most discontented with their salaries, are generally found.

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CHAPTER V.

NO MORE NOMINAL THAN REAL.

Rule IV.—The nominal and real amount of salaries ought to correspond.

In other words, no deduction ought to be made from the real value of a salary without reducing its nominal amount. The practice which has frequently been adopted in England of reducing the real value of salaries and pensions by taxes and other deductions, while the nominal amount of the salaries has remained unaltered, has given rise to this rule. In some instances, the deductions thus made have amounted to one third of the nominal salary.

No advantage arises from this arrangement, but its inconveniences are numerous. In the first place, it is an evil in so far as it spreads an exaggerated idea of the sacrifices made by the public, and the expense incurred under the head of salaries. With respect to the public functionaries, it is an evil to possess an income greater in appearance than reality. The erroneous conceptions hence entertained of their wealth, imposes upon them, in deference to public opinion, the necessity of keeping up a corresponding establishment. Under the penalty of being considered niggardly, they are compelled to be extravagant. It is true the public are aware, in general, that salaries and pensions are subject to deductions, but they are oftentimes only acquainted with a part of the deductions, and they seldom in such cases enter into minute calculations.

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In this manner the difference between the nominal and real value of a salary, tends to produce an increase in the wants of the individual employed. Call the amount of his salary what it really is, and he will be at ease, but every nominal addition will prove a costly ornament. If the opportunity of illicit profit is presented to him, such nominal addition will be an incentive to corruption, and should he not be dishonest it will prove a cause of distress.*

The remedy is simple as efficacious; the change need only be in words.

* A further inconvenience frequently arises from the expense of collecting and managing all such peculiar contributions.

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CHAPTER VI.

COUPLE BURTHEN WITH BENEFIT.

Rule V.—The expenses of an office ought to be defrayed by those who enjoy the benefit of the services rendered by the office.

The author of the Wealth of Nations, in investigating* the manner in which the expense of services ought to be divided, has shewn that in some cases it ought to be defrayed by the public, in others, exclusively by those who immediately reap the benefit of the service. He has also shewn that there is a class of mixed cases in which the expense ought to be defrayed partly by the public, and partly by the individuals who derive the immediate benefit. To this class belongs *public education.*

The rule just laid down seems scarcely to stand in need of proof. It may, however, be useful to mention the modes in which it may be violated; as, when for a service rendered to one person or set of persons, the obligation of payment is imposed upon another. This is partly the case of dissenters who support their own clergy, in so far as they are obliged to pay for the support of the clergy of that established sect from which they dissent. 2. When for a service rendered to a certain number of individuals, the obligation of payment is imposed upon the public. For example, the expenses of a theatre, wholly or in part paid out of the public purse. 3. When for a service rendered to the

* Book v.

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public, the obligation of payment is imposed upon an individual.

With respect to this third case, the examples are but too abundant.

I. The most remarkable example will be found in the administration of justice. At first sight it may be thought that he who obtains a verdict in his favour reaps the principal, or even the only advantage to be obtained; and therefore that it is reasonable he should bear the expense incurred; that he should pay the officers of justice for the time they have been employed. It is in this manner that the subject appeared even to Adam Smith. (B. v. sec. 2.) Upon a closer examination, we shall discover an important error. The individual in whose favour a verdict is given, is precisely the individual who has received least benefit: setting aside the rewards paid to the officers of justice, how many other expenses, which the nature of things render inevitable, remain. It is he who, at the price of his time, his care and his money, has purchased that protection which others receive for nothing.

Suppose that among a million persons there has been, for example, a thousand law-suits in a year; without these law-suits, without the judgments which terminate them, injustice would have had nothing to hold it in check, but the defensive energy of individuals. A million acts of injustice would have been perpetrated in the same time. But since, by means of these thousand judgments, a million acts of injustice have been prevented, it is the same thing as if each complainant had himself prevented a thousand. Because he has rendered so important a service, because he has exposed himself to so many mishaps, to so much trouble and expense, does he deserve to be taxed?

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It is as though the militia who defend the frontiers should be selected to bear the expenses of the campaign.

"Who goeth a warfare any time at his own charges?" saith St. Paul. It is the poor litigant who makes war upon injustice, who pursues it before the tribunals at his own risk, and who is made to pay for the service which is rendered to him.

When such expenses are thrown upon a defendant, unjustly dragged into the litigious contention, the case is yet worse; instead of any thing having been done for his advantage, he has been tormented, and he is made to pay for having been tormented.

If the expenses are altogether thrown upon the party who is found to have done wrong, (although it often happens, owing to the uncertainty either of the facts or of the law, that there has been no wilful wrong on either side,) this cannot be done at first; this party can only be known at the termination of the suit. But then such a judgment would be a punishment; and there is a chance that such a punishment may not be deserved; another chance, that the individual may not be in a condition to support it; another chance, that it will be either too great or too little.*

II. As another violation of this rule, may be cited the practice of taking fees, as carried on in most custom-houses, and which constituted a great abuse in those of England, previously to the re-

* There are many other objections to taxes upon law proceedings, but they do not belong to the present subject. Under the head of procedure, it might be shewn that these taxes oppose the ends of justice: under the head of finance, that they constitute a bad source of revenue. The subject has been more fully discussed in Mr. Bentham's "*Protest against Law Taxes.*"

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form introduced by Mr. Pitt. Many of the officers, not receiving salaries sufficient for their maintenance, were allowed to make up the deficiency by fees received for their own advantage. This custom had an appearance of reason. "We pass your merchandise through the custom-house," they might have said; "and you ought to pay for this service." But this reason is deceptive. "Without this custom-house," the merchants might have replied, "our merchandize would have gone straight forward; it is not for our advantage that this costly depôt is established. It is for the general wants of the state. The state therefore, which you serve, ought to pay you, and not us, whom you torment with your services, which we should be very happy to do without." But, it may be said, this expense must be borne by somebody, why should it not be borne by these merchants as well as any body else? Because it is a partial and unequal tax. Taxes upon merchandize are generally in proportion to the value of the goods; this abusive tax seldom is so. A rich merchant does not feel it; he is reimbursed by the sale of his goods. A poor individual is oppressed by this second contribution, which he finds it necessary to pay to the clerk after he has paid what is due to the exchequer; and it with reason appears to him the more odious, because it is oftentimes arbitrary.

III. In conclusion, as a last example of the violation of this rule, we mention the emoluments of the clergy, in so far as they consist of tithes. If the services of the clergy contribute to the maintenance of public morality, and obedience to the laws, even those to whom these services are not personally directed are benefited by them; they are useful to the whole state. Their expense, whatever ought to be its amount, ought to be borne by

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the whole community. Distributed as this expense is at present, under the system of tithes, in such manner that every one knows how much and to whom he pays it, no advantage is derived from this knowledge; whilst the inconveniences are but too manifest in that hatred which so frequently subsists between the parishioners and their minister, the shepherd and his flock; by means of which his labours, so long as this enmity subsists, are rendered worse than useless. Were this expense to be defrayed from the general source of the public treasure, these scandalous dissensions would be avoided, and whether the revenues were more or less ample, it would be possible to preserve a more just proportion between them and the different degrees of labour; instead of floating as at present between £20. and £20,000. per annum, under the direction chance.*

* Tithes considered as a tax are attended with other inconveniences: they belong not to our present subject. They have been exposed by Adam Smith, with that force and precision which characterise that great master.

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CHAPTER VII.

BY EMOLUMENTS EXCLUDE CORRUPTION.

Rule V.—In employments which expose the public functionary to peculiar temptations, the emoluments ought to be sufficient to preserve him from corruption.

Setting aside all considerations of the happiness of the individual, the interest of the public requires that in all employments which afford the means of illicit gain, the individuals employed should be placed above want. If this important consideration be neglected, we ought not to be surprised that men urged on by perpetually recurring wants should abuse the powers they possess. Under such circumstances, if they are found guilty of extortion and peculation, they are less deserving of blame than that government which has spread the snare into which it was scarcely possible that their probity should not fall. Placed between the necessity of providing the means of subsistence, and the impossibility of providing them honestly, they will naturally be led to regard peculation and extortion as a lawful supplement, tacitly authorized by the government. The examples of this mischievous economy, and of the inconveniences resulting from it, are more frequent in Russia than under any other European government.

"M. de Launay (Farmer-General under Frederick II.) represented to the king that the salaries of the custom-house officers were too small for their subsistence, and that it would be but justice to augment them; he added that he

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could insure to his majesty that every one would then discharge his duty better, and that the aggregate receipts in all the offices would be larger at the end of the year."—"You do not know my subjects," said Frederick, "they are all rogues where my interests are in question. I have thoroughly studied them, and I am sure they would rob me at the altar. By paying them better you would diminish my revenues, and they would not rob me less."—"Sire," replied M. de Launay, "how can they do otherwise than steal? Their salaries are not enough to buy them shoes and stockings! a pair of boots costs them a month's pay! at the same time, many of them are married. And where can they obtain food for their wives and families, if it is not by conniving at the smugglers? There is, sire, a most important maxim which, in matters of government, is too frequently neglected. It is that men in general desire to be honest; but it is always necessary to leave them the ability of being so. If your majesty will consent to make the trial I propose, I will engage that your revenues will be augmented more than a fourth." The maxim in morals, thus brought forward by M. de Launay, appeared to the king, beautiful and just, as it really is in itself—so much the more excellent from being in the mouth of a financier; since men of this class are not in general reputed to know many such. He authorized the experiment, he increased the salaries of the officers by a half, and his revenues were increased a third without any new taxes.*

A salary proportionate to the wants of the functionary operates as a kind of moral *antiseptic*, or preservative. It fortifies a man's probity against

* Thiebault. *Mes Souvenirs de Berlin.* Tome iv. p. 126.

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the influence of sinister and seductive motives. The fear of losing it will, in general, be more than equivalent to the ordinary temptations held out by illicit gains.

But in the estimation of a man's wants, it is not merely to what is absolutely necessary that our calculation ought to be confined. Fabricius and Cincinnatus are not the proper standards to be selected. The actual state of society ought to be considered. The average measure of probity must be our rule. Public opinion assigns to every public functionary a certain relative rank; and, whether reasonably or not, expects from him an expenditure nearly equal to that of persons in a similar rank. If he is compelled to act in defiance of public opinion, he degrades and exposes himself to contempt—a punishment so much the more afflictive, in proportion as his rank is elevated. Wants keep pace with dignity. Destitute of the lawful means of supporting his rank, his dignity presents a motive for malversation, and his power furnishes the means. History abounds with crimes, the result of this ill-judged policy.

If a justification is required for the extraordinarily high salaries, which it is customary to pay to the supreme magistrates, who are called *Kings*, it will be found in the principles above laid down. The Americans, by denominating their chief magistrate a *President*, have thereby made a small salary, compared with what is paid in England to the sovereign, answer every purpose of a large one. Why? Because the dignity of the president is compared with that of the other officers of the republic, whilst in Europe the dignity of the sovereign is measured by a sort of comparison with that of other kings. If he were unable to maintain a certain pomp amidst the opulence of

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his courtiers, he would feel himself degraded. Charles II., to relieve himself from the restrictions imposed upon him by the economy of parliament, sold himself to a foreign potentate, who offered to supply his profusion. The hope of escaping from the embarrassments into which he had plunged himself, drove him, like an insolvent individual, to criminal resources. This mistaken economy occasioned the expense of two successive wars, terminating in a peace more disastrous perhaps than either of the wars. Our strength was wasted in oppressing a necessary ally, instead of being employed in checking the ambition of a rival, with whom we had afterwards to contend, with diminished resources. Thus the establishment of the *Civil List*, though its amount may appear large, may be considered as a measure of general *security*.

It is true that the sum necessary to prevent Charles II. from selling himself, or, in other words, the amount which in this instance would have operated as a moral antiseptic, or preservative, could not have been very accurately calculated. A greater or less portion of this antiseptic must be employed in proportion as there exists a greater or less proclivity towards corruption. Experience is the touchstone of all calculations in this respect. Provided these abuses are guarded against, a low scale of salaries can never be an evil; it must be a good. If the salary be not a sufficient reward for the service to be performed, the office will not be accepted. If it be sufficient, everything which is added to its amount is so much lavished in pure waste.

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CHAPTER VIII.

GIVE PENSIONS OF RETREAT.

Rule VII.—PENSIONS of retreat ought to be provided, especially when the emoluments allowed are not more than sufficient to meet the absolute wants of the functionary.*

Pensions of retreat are recommended by considerations of humanity, justice, and good economy; they moreover tend to insure the proper discharge of duty, and constitute a source of responsibility on the part of the individuals employed.

1. There are many cases in which it is not desirable that a public functionary should continue to be employed after his activity and capacity have become impaired. But, since the infirmities of age tend to increase his wants, this is not the time in which he will be able to retrench his expenditure; and he will be induced by this consideration, in his old age and impotency, to continue to endeavour to perform, with pain, and even with disgrace, the duties of a station which, in his maturity, he had filled with pleasure and reputation. To wait till he voluntarily resigns, is to expect a species of suicide; to dismiss him without a pension of retreat is, in the supposed state of his faculties, a species of homicide. A pension of

* The reader ought to be apprised that, having found in Mr. Bentham's MSS. upon this subject, only the memorandum "*Pensions of Retreat*," I have confined myself to the most simple exposition of the subject: its details would have been too widely extended.—*Note by* DUMONT.

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retreat removes all these difficulties: it is a debt of humanity paid by the public to its servants.

2. By means of these pensions, the scale of all salaries may be lower than otherwise, without producing any ill effect upon the quality of the services rendered. They will constitute an *item* in the calculation which every individual makes: in the mean time, government will obtain from all, at a low price, services, the ulterior compensation for which, on account of the casualties of human life, will only be received by a few. It is a lottery, in which there are no blanks.

3. In all employments from which the individuals are removable at pleasure, the pension of retreat, in consequence of the approach of the period at which it will become necessary or due, will add an increasing value to the salary, and augment the responsibility of the individual employed. Should he be tempted to malversation, it will be necessary that the profit derivable from his malversation should compensate with certainty not only for the loss of his annual salary, but also the value of his future pension of retreat; his fidelity is thus secured to the last moment of his continuing in office.

4. We ought not to forget the happiness, insured to the persons employed, resulting from the security given to them by the provision thus made against that period of life, which is most menaced with weakness and neglect. Hence an habitual disposition to perform the duties of their office with alacrity will arise; they will consider themselves as permanently provided for, and fixed in a situation in which all their faculties may be applied to the discharge of its duties, without being turned aside by vague apprehensions of future distress, and the desire of improving their condition, which

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so often leads individuals successively to try different stations. Another advantage to the government; instead of being badly served by novices, it will possess a body of experienced functionaries, expert and worthy of its confidence.

The amount of these pensions ought to be regulated by fixed rules, otherwise they will become a source of abuse; offices will be bestowed for the sake of the pension, instead of the pension being bestowed for the sake of the office. They ought also to increase according to the length of service, leaving at all times an inducement to continued exertion, without which precaution the services of experienced individuals, which it might be desirable to retain, would frequently be lost.

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CHAPTER IX.

OF THE SALE OF OFFICES.

If it be desirable that the public servants should be contented with small salaries, it is more desirable that they should be willing to serve gratuitously, and most desirable that they should be willing to pay for the liberty of serving, instead of being paid for their services. Such is the simple but conclusive train of argument, in favour of the venality of offices, abstractly considered.

Such an arrangement is attended with another advantage. A sum laid out in the purchase of an office renders the purchaser responsible in a higher degree than he would be were he to receive a salary equal to, or even exceeding in amount, the interest of the money he has paid. The loss of a salary paid by the public, is merely the cessation of so much gain; the loss of an office which has been purchased, is the positive loss of so much capital which the individual has actually possessed. The impression produced upon the mind by these two species of loss is widely different. The cessation of a gain is generally much less severely felt than a loss to a corresponding amount. The gain which depends upon external circumstances is always precarious, it cannot be reckoned upon with certainty; on the other hand, if an individual have purchased an office with his own capital, he looks upon it as absolutely his own; it comes to be regarded as a certain, fixed, and

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permanent source of revenue, and as identified with his original property upon which he has always reckoned.

When a man purchases an office, it may be fairly presumed that he possesses appropriate aptitude for the discharge of its duties. Are there pecuniary emoluments attached to an office—the office may be accepted for the sake of these emoluments. Are there no pecuniary emoluments—the office can be desired only on account of its duties, or of the natural rewards of honour and power, which are inseparable from it. Such, at least, is the ordinary state of things. It is however possible that such an office might be desired as a means of obtaining some hidden profit prejudicial to the public; but this would be a particular case, whose existence ought to be established by proof.

It is not by names alone that we can determine whether it is most advantageous for the public that offices should, without emoluments, be given away, or when with emoluments should be sold: this question can only be determined by an accurate account, exhibiting the balance of the sums paid and received. If, however, there be any offices without emoluments, for which purchasers can be found; were it possible to sell purely honorary appointments, offices connected with public pomp and show, it would be entirely consistent with good economy; it would be to convert a tax upon honour, unfelt by any one, but established in favour of the purchasers, into hard cash. A tax would thus be levied upon vanity. The gain would be real, though the bargain, like that of the Lapland sorcerers, were only for bags of wind.

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As it respects offices of which the emoluments are fixed, the question of economy is simple; the amount of the emoluments does not differ from a perpetual rent. But when an office is sold, the profits of which, whether received from the public, or levied upon individuals, are uncertain in amount, this uncertainty causes a presumption against the economy of the bargain: it is disadvantageous to the public to be subject to uncertain expenses, and it is not probable that these uncertain profits will sell for so large a price as would willingly be paid for a salary equal to their average amount.

Again, as to emoluments derived solely from individuals; these are a species of tax often created and alienated at the same time in favour of the office. The general presumption cannot but be unfavourable to taxes imposed under such circumstances. In former times, when the science of political economy was in its cradle, when taxes and the methods of collecting them were little understood, governments have frequently thus alienated large branches of the public revenue. Tempted by an immediate supply, they either did not or would not regard the extent of the sacrifices they made. The history of French finance is replete with instances of this kind. The customs of Orleans, which were originally purchased by a Duke of Orleans for 60,000 *francs*, afterwards yielded to his posterity a yearly revenue of more than a 1,000,000 *francs*.

The venality of offices in that kingdom had created an exceedingly complex, and consequently exceedingly vicious system. The sale of offices conferring hereditary nobility was especially mischievous, since this nobility enjoyed a multitude of exemptions. The nobles paid no taxes. Hence

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every creation of nobility was a tax, equal in value to the exemption granted, thrown upon those who continued liable to pay them.

Should the price for which an office is sold form a part of the emoluments of the head of the office, and not be received by the public, this would make no difference in the question of economy as respects giving and selling. That the produce of the sale is afterwards wasted, is an accident unconnected with the sale. The emoluments received by the head of the department may be too large or not. If not too large, the public gains by the operation; since, in suppressing the sale, it would be necessary to increase his emoluments by other means. If too large, the excess might be made applicable to the public service.

THE SALE OF OFFICES CONSIDERED WITH RESPECT TO PARTICULAR DEPARTMENTS.

Public opinion is at present adverse to the sale of public offices. It more particularly condemns their sale in the three great departments of war, law, and religion. This prejudice has probably arisen from the improper use to which it has sometimes been applied; but whether this be the case or not, the use of the word *venal* seldom, if ever, but in an odious and dysolgystic sense, has tended to preserve it.

"He who has bought the right of judging will sell judgments," is the sort of reasoning in use upon this subject. Instead of an argument, it is only an epigram.* The members of the French

* Vendere jure potest, emerat ille prius. Apply the reasoning to another subject: "He who has bought apples, will sell apples." The consequence does not follow; for he may chance to eat or to give them away.

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parliaments were judges, and they purchased their places; it did not by any means follow that they were disposed to sell their judgments, or that they could have done so with impunity. The greater number of these parliaments were never even suspected of having sold them. Countries may however be cited in which the judges sell both justice and injustice, though they have not bought their places. The uprightness of a judge does not depend upon these but upon other circumstances. If the laws be intelligible and known; if the proceedings of the judges are public; if the punishment for injustice surpass the profit to be reaped from it, judges will be upright, even though they purchase their offices.

In England, there are certain judicial offices which the judges sell, sometimes openly, sometimes clandestinely; the purchasers of these offices extract from the suitors as much as they can: if they had not purchased their places, they would not have endeavoured to extract less. The mischief is, not that this right of plundering is sold, but that the right exists.

In the English army, the system of venality has been adopted. Military commissions, from the rank of ensign to that of lieutenant-colonel, are sold, with permission to the purchasers to re-sell them. The epigram upon the judges is not applied here. The complaint is, that the patrimony of merit is invaded by wealth. But it ought to be recollected, that in this career the opportunities for the display of merit do not occur every day. It is only upon extraordinary occasions that extraordinary talents can be displayed; and when these occur, there can be no difficulty, even under this system, of bestowing proportionate and appropriate rewards. Besides, though the

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patrimony of merit should by this means be invaded by wealth, it would at the same time be defended from favouritism, a divinity in less esteem even than wealth. The circumstance which ought to recommend the system of venalty to suspicious politicians is, that it diminishes the influence of the crown. The whole circle over which it extends is so much reclaimed from the influence of the crown. It may be called a corruption, but it serves as an antidote to a corruption more to be dreaded.

It is the sale of ecclesiastical offices which has occasioned the greatest outcry. It has been made a particular sin, to which has been given the name of *Simony*. In the Acts of the Apostles, we are informed that at Samaria, there was a magician named Simon, to whose gainful practices an immediate stop was put by the preaching and miracles of Philip, one of the deacons of the church of Jerusalem, who had been driven to Samaria by persecution. Simon therefore, regarding Philip as a more fortunate rival, enrolled himself among the number of his proselytes, and when the apostles Peter and John came down from Jerusalem, and by the laying on of their hands communicated to the disciples the gift of the Holy Ghost; Simon, desirous of possessing something more than the rest, offered to them money, saying, "give me also this power, that on whomsoever I lay hands, he may receive the Holy Ghost." Upon which Peter severely reprimanded him, and the magician, supple as he was intriguing, asked forgiveness, and thus his history closes. It is nowhere said he was punished.

Upon the strength of this story, the Roman Catholic church has converted the act of buying or selling ecclesiastical benefices into a sin; and

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the English law, copying from the Catholic church, has constituted such an act a crime. As the Roman Catholic church, among catholics, is infallible, as to them it must have decided rightly when it declared such acts to be sinful. Our subject, however, leads us only to the consideration of the legal crime; and between this crime and the offence of Simon Magus, there is nothing in common. Presentation to a living and the reception of the Holy Ghost are not the same things. If it be the object of this law to exclude improper persons, more direct, simple, and efficacious means might be employed; their qualifications might be ascertained by public examinations, their good conduct by the previous publication of their names, with liberty to all the world to object against them. Their moral and intellectual capacity being thus proved, why should they not be allowed to purchase the employment, or to discharge it gratuitously? An idiot, once admitted to priests' orders, may hold an ecclesiastical benefice, but were a man, gifted like an apostle, to give five guineas to be permitted to discharge the duties of that benefice, he would be borne down by the outcry against the simony he had committed.

What then is the effect of these anti-simoniacal laws? A priest may not purchase a benefice for himself; but his friend, whether priest or layman, may purchase it for him. He may not purchase the presentation to a vacant benefice, but he may purchase the right of presentation to a benefice filled by a dying man, or by a person in good health who will have the complaisance to resign, and receive it again with an obligation, again to resign whenever his patron requires it. In reading these self-styled anti-simoniacal laws, it is difficult

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to discover, whether they are intended to prohibit or to allow the practice of simony. Their only real effects are to encourage deception and fraud. Blackstone complains of their inexecution. He did not perceive that a law which is not executed is ridiculous.

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CHAPTER X.

OF QUALIFICATIONS.

We have already seen that a salary may be employed as a means of insuring the responsibility of an individual, and as a moral antiseptic to preserve him from the influence of corruption. By the sale of offices, it has been seen that the actual expense of a salary may be diminished, and even reduced to nothing. It is therefore evident that the important circumstance is, that the individual should possess the requisite portion of the precious matter of reward, and not that it should have been given to him. If he possess it of his own, so much the better; and the more he already possesses the less is it necessary to give him. In England, such are the attractions of power and dignity, that the number of candidates for their possession has been found so large, that it has been thought desirable to limit the selection to the number of those who possess the required quantity of this moral antiseptic; and this circumstance has given birth to what have been called *qualifications.*

The most remarkable and important offices to which these pecuniary qualifications have been attached, are those of justices of the peace and members of parliament. A justice of the peace ought to possess at least 100*l.* per annum landed property. There is no reasonable objection against this law. The office is one of those for which an ordinarily liberal education is sufficient. It is at the same time such an office that the individual invested

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with it might do much mischief were he not restrained by powerful motives.

As a qualification for the more important office of member of parliament, the law requires of the member for a borough or city a similar qualification of 300*l.* per annum, and of the member for a county of 600*l.* per annum. This case differs widely from the other. Sufficient talent for carrying the laws into execution is possessed by a multitude of individuals; but few are able to determine what laws ought to be framed. The science of legislation is still in its cradle; it has scarcely been begun to be formed in the cabinets of philosophers; among legislators in name, scarcely any other practice can be found than that of children, who in their prattle copy what they have learned of their nurses. That a science may be learned, a motive is necessary; that the science of legislation may be learned, or rather may be created, motives so much the more powerful are necessary, as this science is most repulsive and thorny. For the pursuit of this study, an ardent and persevering mind is required, which can scarcely be expected to be formed in the lap of ease, of luxury, and of wealth. Among those whose wants have been forestalled from their cradle, among those who become legislators to gratify their vanity, or relieve their ennui, there can scarcely be found one who could be called a legislator without mockery. How shall he who possesses everything without the trouble of thinking, be led to subject himself to the labour of thought? If it be desirable that legislators should be men of enlarged and well-instructed minds, they must be sought among those who possess but little wealth, among those who, oppressed with their insignificance, are stimulated

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by ambition, and even by hunger, to distinguish themselves; they must be sought among those who possess the habits of Cyrus and not of Sardanapalus. Among the children of luxury, of whom the great mass of senators chosen by a rich people will always be composed, there are but few who will undergo the fatigue of studying the lessons which, at the expense of so much labour, have been furnished them by Beccaria and Adam Smith! Can it be expected, then, that from among their number the rivals of these great masters should be found? Qualifications in this case tend to exclude the individuals endowed with the greatest moral and intellectual capacity.

The reasons however in favour of qualifications are plausible. It is alleged, that the possession of a certain property tends to guarantee the independence of its possessor, and that in no other situation is independence more desirable, than in that of a deputy appointed to watch over and defend the interests of the people against the encroachments of the executive power, supplied as that power almost necessarily is with so many means of seduction. To this it may be replied, that it is not the poor alone who are liable to be seduced; multitudes possessing property exceeding in value the qualifications required, are biassed by the seductive influence of places and pensions, whilst the poor remain unmoved.

A law of this nature whose effect, were it strictly executed, would be to exclude the most capable, is made to be evaded, and in fact has constantly been evaded: among those who have acted the most conspicuous parts in the British House of Commons, many have been able to enter there only by an evasion of this law. Means might be provided which would afford a perfect guarantee against

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such evasions, but happily upon this, as upon many other occasions, the veil that hides from human weakness the distant inconveniences of bad laws, hides also the means necessary for rendering such laws efficacious.

Some years ago, a member, the honesty of whose intentions could not be doubted, proposed to augment the qualifications for cities and boroughs from 300*l.* to 600*l.* per annum. The proposition, after having made considerable progress, fell to the ground. I know not whether this happened from a conviction of its trifling utility, or from one of those accidents which in that slippery path equally befal the most useful and most mischievous projects.

When the greatest possible freedom is given to popular suffrage, and even when no corrupt influence is used, the popular employment of wealth, being of all species of merit that of which people in general are best qualified to judge, and most disposed to esteem, there naturally exists an aristocracy of wealth. Is it desirable that this aristocracy should be rendered necessary and complete?

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CHAPTER XI.

OF TRUST AND CONTRACT MANAGEMENT.

THE capacity of the individuals to discharge the duties required of them having been ascertained, and the most intimate connection between their interest and the discharge of these duties having been established, the only desirable circumstance remaining is, to reduce the amount of the emoluments to be paid for the discharge of these duties to the lowest term. Suppose the amount expended in the purchase of a given service to be a certain sum, and that an individual equally capable of rendering this service, should offer to render it at less expense, is there any good reason for refusing such an offer? I can discover none. The acceptance of such a proposition is the acceptance of a contract; the service thus agreed to be performed, is said to be contracted for, or let to farm. To this method, the mode of obtaining services by employing commissioners and managers, is opposed.

General reasonings upon this subject are insufficient to determine which of these two opposite systems will be most advantageous in any particular department: the nature of the service must be ascertained before the question can be decided.

If we confine ourselves to general principles, contracts must be preferred to commissions. Under the system of contracts, the interests about which the individual is employed are his own; whilst, under the system of commissions, the interests about which he is employed remain the

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interests of the state, that is, the interests of another. In the first case, the sub-functionaries employed are the servants of an individual, in the other they are the servants of the public—fellow-servants of those who are to watch over them. "But the servants of the most negligent master," says Adam Smith, "are better superintended than the servants of the most vigilant sovereign." If this cannot be admitted as an infallible rule, it is at least more frequently true than otherwise.

Public opinion is, however, but little favourable to the system of contracts. The savings which result to the state are forgotten, whilst the profits reaped by the farmers are recollected and exaggerated. Upon this subject the ignorant and the philosopher, those who judge without thought, and those who pretend to have examined the subject, are nearly agreed. The objections which they bring forward against contractors (for they relate to individuals rather than to the system) are sufficiently specious.

I. *The contractors are rich.* If they are so, this is not the fault of the system, but of the conditions of the bargain made with them.

II. *The contractors are ostentatious and vain.* And if they burst with vanity, what then? Such inappreciable, or rather imaginary evils, cannot be brought into political calculations. Their vanity will find a sufficient counterpoise and punishment in the vanity of those whom they incommode, whilst their ostentation will distribute their wealth among those whom it employs.

III. *The contractors excite envy.* This is the fault of those who are envious, and not of the contractors: it is another imaginary evil, in opposition to which may be placed the pleasure of detraction. Besides, if the contracts are open to all,

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unless improvident bargains are made through favour, corruption, or ignorance, rapid fortunes will not often be accumulated by contractors. Should they still become rich, it will be because they have deserved it.

IV. *Contractors never find the laws too severe to insure the collection of the taxes for which they have contracted. They will procure severe and sanguinary laws to be enacted.* If the laws are severe and sanguinary, the legislature is in fault, and not the contractors. Whether the taxes are managed by contractors or commissioners, it is equally proper that the most efficacious system of laws, for their collection, should be established; and certainly severe and sanguinary laws are not the most efficacious. Contractors, therefore, are not likely to seek the enactment of the most severe laws: there are many reasons for supposing the contrary will be the case. The better the law is executed, that is to say, the more certainly punishment follows the transgression of the law, the less severe need it be. But under the inspection of the contractor, who has so strong an interest in its execution, the law has a better chance of being put in execution, than when under the inspection of a commissioner who has so little, if any, interest in the matter. Upon this point it is impossible to imagine by what means two interests can be more intimately connected, than those of the contractor and the state. It is the interest of the contractor that all who illegally evade the payment of the taxes should be punished: this, also, is the interest of the state. But it can never be the interest of the contractor to punish the innocent: this would tend to excite the whole people against him: of every species of injustice, this is one which is least likely to meet with tranquil and acquiescent spectators.

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Adam Smith, who has adopted all these objections, little calculated as they seem to me to appear in such a work as his, also contends that "the best and most frugal way of levying a tax, can never be by farm.*" If this were true, it would be a conclusive reason against ever letting taxes to farm, and it would be useless to seek for others. When a fact is proved, it is useless to trouble oneself with prejudices and probabilities.

It is true, without the hope of gain, no contractor would undertake to collect the produce of a tax, and to make the advances required. But from whence ought the profit of the farmer to arise? This is what Adam Smith has not examined: he supposes that the state would make the same profit, by establishing an administration under their own inspection. The truth of this supposition is altogether doubtful. The personal interest of a minister is to have as many individuals, that is to say, as many dependants, employed under him as possible, that their salaries should be as large as possible; and he will lose nothing by their negligence. The interest of the farmer, or contractor, is to have as few individuals employed under him as possible, and to pay each one no more than he deserves; and he will lose by every instance of their negligence. In these circumstances, though no greater amount should be received from the people than would have been collected by the state, a contractor might reasonably hope to find a source of profit.

Adam Smith has attacked, with as much force as reason, the popular prejudices against the dealers in corn, so odious and so much suspected under the name of forestallers. He has shewn that the

* Wealth of Nations, b. v. ch. 2.

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interest of the public is most intimately connected with the natural, and almost necessary interests of this suspected class of merchants. He might with equal justice have extended his protection to farmers of the public revenue, a class of men nearly as little beloved.

In every branch of politics, and especially in so wide a field as his subject embraced, it was nearly impossible that he should examine every thing with his own eyes. It was almost of necessity that he was sometimes guided by general opinion: this seems to me to have happened upon this occasion. He forgot in this instance to apply the principle already cited, and of which he had elsewhere made such beautiful applications. I had myself once written an essay against farmers of the revenue; I have thrown it into the fire, for which alone it was fit. I know not how long I should have retained the opinions it advocated, had I not been better instructed by Adam Smith.

Note.—In Burgoyne's "Picture of Spain," vol. ii. page 4, &c. it is stated, that in that country Trust was found more economical than Contract management. But he does not state in what manner contracts were granted: whether favour or corruption did not preside at their disposal; whether the trust management had not superior means of enforcing the payment of the taxes; nor whether their increased produce was not, in part at least, owing to the increase of trade and wealth.

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CHAPTER XII.

OF REFORMS.

The emoluments annexed to any office being shown to be in excess, and the mischiefs resulting from such excess being ascertained, the next question which occurs is, What remedy ought to be applied? The most obvious answer is a short one: strike them off at once. But thus unqualified, this answer is far from being the proper one.

Reform is the practical conclusion expected as the reward for all the labour bestowed on the examination of these theoretic propositions. Upon this subject, nothing further remains but to point out one limitation, without which every reform can only be a greater abuse than the whole of those which it pretends to correct. This limitation is, *that no reform ought to be carried into effect without granting complete indemnity to those whose emoluments are diminished, or whose offices are suppressed.* In a word, that the only legitimate benefit to be derived by the public from economical reform, consists in the conversion of perpetual into life annuities.

Will it be said, that the immediate suppression of these offices would be a gain to the public? This would be a mere sophism. The sum in question would, without doubt, be gained by the public, if it came from abroad, if it were obtained by commerce, &c. but it is not gained when it is taken from individuals who form a part of that same public. Would a family be richer, because the father disinherited one of his children

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that he might the more richly endow the others? In this instance, as the disinheriting of one child would increase the inheritance of the others, the mischief would not be without some countervailing advantage; it would be productive of good to some part of the family. But when it relates to the public, the emoluments of a suppressed place being divided amongst the whole community, the gain being distributed among a multitude, is divided into impalpable quantities; whilst the loss, being confined to one, is felt in its entirety by him who supports it alone. The result of the operation is in no respect to enrich the party who gains, whilst it reduces the party who loses to poverty. Instead of one place suppressed, suppose a thousand, or ten thousand, or a hundred thousand, the total disadvantage will remain the same: the plunder taken from thousands will have to be distributed among millions; your public places will be filled with unfortunate citizens whom you will have plunged into indigence, whilst you will scarcely see one individual who is sensibly enriched in consequence of all these cruel operations. The groans of sorrow and the cries of despair will resound on every side; the shouts of joy, if any such are heard, will not be the expressions of happiness, but of that malevolence which rejoices in the agony of its victims.

By what means do individuals deceive themselves and others into the sanction of such mischievous acts? It is by having recourse to certain vague maxims, consisting of a mixture of truth and falsehood, and which give to a question, in itself simple, an appearance of deep and mysterious policy. The interest of individuals, it is

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said, must give way to the public interest. But what does this mean? Is not one individual as much a part of the public as any other? This public interest, which is thus personified, is only an abstract term; it only represents the aggregate of individual interests. They must all be taken into the account, instead of considering a part as the whole, and the rest as nothing. If it were proper to sacrifice the fortune of one individual to augment that of the others, it would be still more desirable to sacrifice a second and a third, and so on to any greater number, without the possibility of assigning limits to the operation; since, whatever number may have been sacrificed, there still remains the same reason for adding one more. In a word, the interest of the first is sacred, or the interest of no one can be so.

"The interests of individuals are the only real interests. Take care of individuals, never molest them, never suffer them to be molested, and you have done enough for the public.

"Among the multiplicity of human affairs, individuals have often been injured by the operation of particular laws, without daring to complain, or without being able to obtain a hearing for their complaints, on account of this vague and false notion, that the interest of individuals ought to give way to the public interest. Considered as a question of generosity, by whom ought this virtue to be displayed? By all towards one, or by one towards all? Which then is the most selfish, he who would preserve what he already possesses, or he who would seize, even by force, what belongs to another?

"An evil felt, and a good unfelt,—such is the result of those magnificent reforms, in which the

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interests of individuals are sacrificed to those of the public."*

The principles here laid down, it may be said, are applicable to offices and pensions held *for life*, but not to offices and pensions held *during pleasure;* and which consequently may be revoked at any time. May not these be reformed at any time? No: the difference between the two is only verbal;—in all those cases in which it has been customary for those places, which are granted *during pleasure*, to be held for life, though the possessor may have been led to expect other causes of removal, he has never expected this. "My superior," he has said to himself, "may dismiss me, I know; but I flatter myself I shall never deserve to be dismissed; I shall, therefore, retain my office for life." Hence the dismission of such an individual, without indemnity, is as great an evil, as much unforeseen, and equally unjust, as in the former case.

To these reasons, arising from justice and humanity, may be added a prudential consideration. By such indemnification, the interests of individuals and the public are reconciled, and a better chance of securing the latter is obtained. Assure those who are interested that they shall not be injured, they will be among the foremost in facilitating reforms. By thus removing the grand obstacle of contrary interests, the politician prevents those clandestine intrigues, and private solicitations, which so often arrest the progress of the noblest plans.

It was thus that Leopold, the Grand Duke of Tuscany, proceeded:—"Notwithstanding the mul-

* This passage is extracted from Mr. Bentham's work, *Traités des Legislation,* tome i. partie i. ch. 15. Ed. 1820.

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titude of reforms introduced by his royal highness since his accession to the throne, there has not been a single office reformed in Tuscany, the holder of which has not either been placed in some other office (*equal to that suppressed, must be understood*) or who has not received as a pension a salary equal in value to the emoluments of his office."* Upon such conditions, the pleasure of reform is pure: nothing is hazarded; good only is accomplished; at least the principal object is secured, and the happiness of no one is interrupted.

* "Indication Sommaire des Réglemens de Léopold, Grand Duc de Toscane." Bruxelles, 1778.

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RATIONALE OF REWARD.

BOOK III.

REWARD APPLIED TO ART AND SCIENCE.

CHAPTER I.

ART AND SCIENCE—DIVISIONS.

A CLOUD of perplexity, raised by indistinct and erroneous conceptions, seems at all times to have been hanging over the import of the terms *art* and *science*. The common supposition seems to have been, that in the whole *field of thought* and *action*, a determinate number of existing compartments are assignable, marked out all round, and distinguished from one another by so many sets of natural and determinate boundary lines: that of these compartments some are filled, each by an *art*, without any mixture of science; others by a *science*, without any mixture of art; and others, again, are so constituted that, as it has never happened to them hitherto, so neither can it ever happen to them in future, to contain in them any thing *either* of art *or* science.

This supposition will, it is believed, be found in every part erroneous; as between *art* and *science*, in the whole field of *thought* and *action*, no one

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spot will be found belonging to either to the exclusion of the other. In whatsoever spot a portion of either is found, a portion of the other may be also seen; whatsoever spot is occupied by either, is occupied by both: is occupied by them in *joint tenancy*. Whatsoever spot is thus occupied, is so much taken out of the *waste;* and there is not any determinate part of the whole waste which is not liable to be thus occupied.

Practice, in proportion as *attention* and *exertion* are regarded as necessary to due *performance*, is termed *art*. *Knowledge*, in proportion as *attention* and *exertion* are regarded as necessary to *attainment*, is termed *science*.

In the very nature of the case, they will be found so combined as to be inseparable. Man cannot *do* anything well, but in proportion as he *knows* how to *do* it: he cannot, in consequence of *attention* and *exertion*, *know* anything but in proportion as he has practised the *art* of *learning* it. Correspondent therefore to every *art*, there is at least one branch of *science;* correspondent to every branch of *science*, there is at least one branch of *art*. There is no determinate line of distinction between *art*, on the one hand, and *science* on the other; no determinate line of distinction between *art* and *science*, on the one hand, and *unartificial practice* and *unscientific knowledge*, on the other. In proportion as that which is seen to be *done*, is more conspicuous than that which is seen or supposed to be *known*: that which has place is apt to be considered as the work of *art:* in proportion as that which is seen or supposed to be *known* is more conspicuous than anything else that is seen to be *done*, that which has place is apt to be set down to the account of *science*. Day by day, acting in conjunction, art and science are

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gaining upon the above-mentioned waste—the field of *unartificial practice* and *unscientific knowledge*.* Taken collectively, and considered in their connection with the happiness of society, the arts and sciences may be arranged in two divisions, viz. 1. Those of amusement and curiosity; 2. Those of utility, immediate and remote. These two branches of human knowledge require different methods of treatment on the part of governments.

By arts and sciences of amusement, I mean those which are ordinarily called the *fine arts;* such as music, poetry, painting, sculpture, architecture, ornamental gardening, &c. &c. Their complete enumeration must be excused: it would lead us too far from our present subject, were we to plunge into the metaphysical discussions necessary for its accomplishment. Amusements of all sorts would be comprised under this head.

Custom has, in a manner, compelled us to make the distinction between the arts and sciences of amusement, and those of curiosity. It is not however proper to regard the former as destitute of utility; on the contrary, there is nothing, the utility of which is more incontestible. To what shall the character of utility be ascribed, if not to that which is a source of pleasure? All that can be alleged in diminution of their utility is, that it is limited to the excitement of pleasure: they cannot disperse the clouds of grief or of misfortune. They are useless to those who are not pleased with them: they are useful only to those who take pleasure in them, and only in proportion as they are pleased.

By arts and sciences of curiosity, I mean those

* The foregoing paragraphs are extracted from Mr. Bentham's "Chrestomathia," part i. p. 208.

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which in truth are pleasing, but not in the same degree as the fine arts, and to which at the first glance we might be tempted to refuse this quality. It is not that these arts and sciences of curiosity do not yield as much pleasure to those who cultivate them as the fine arts; but the number of those who study them is more limited. Of this nature are the sciences of heraldry, of medals, of pure chronology, the knowledge of ancient and barbarous languages, which present only collections of strange words, and the study of antiquities, inasmuch as they furnish no instruction applicable to morality, or any other branch of useful or agreeable knowledge.

The utility of all these arts and sciences,—I speak both of those of amusement and curiosity,—the value which they possess, is exactly in proportion to the pleasure they yield. Every other species of pre-eminence which may be attempted to be established among them is altogether fanciful. Prejudice apart, the game of push-pin is of equal value with the arts and sciences of music and poetry. If the game of push-pin furnish more pleasure, it is more valuable than either. Everybody can play at push-pin: poetry and music are relished only by a few. The game of push-pin is always innocent: it were well could the same be always asserted of poetry. Indeed, between poetry and truth there is a natural opposition: false morals, fictitious nature: the poet always stands in need of something false. When he pretends to lay his foundations in truth, the ornaments of his superstructure are fictions; his business consists in stimulating our passions, and exciting our prejudices. Truth, exactitude of every kind, is fatal to poetry. The poet must see everything through coloured media, and strive to make every one else to do the same. It is true,

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there have been noble spirits, to whom poetry and philosophy have been equally indebted, but these exceptions do not remove the mischiefs which have resulted from this magic art. If poetry and music deserve to be preferred before a game of push-pin, it must be because they are calculated to gratify those individuals who are most difficult to be pleased.

All the arts and sciences, without exception, inasmuch as they constitute innocent employments, at least of time, possess a species of moral utility, neither the less real or important, because it is frequently unobserved. They compete with, and occupy the place of those mischievous and dangerous passions and employments, to which want of occupation and ennui give birth. They are excellent substitutes for drunkenness, slander, and the love of gaming.*

The effects of idleness upon the ancient Germans may be seen in Tacitus: his observations are applicable to all uncivilized nations: for want of other occupations they waged war upon each other: it was a more animated amusement than that of the chase. The chieftain who proposed a martial expedition, at the first sound of his trumpet ranged under his banners a crowd of idlers, to whom peace was a condition of restraint, of languor, and of ennui. Glory could be reaped only in one field: opulence knew but one luxury. This field was that of battle; this luxury that of conquering or recounting past conquests. Their women themselves, ignorant of those agreeable arts which multiply the means of pleasing, and prolong the empire of beauty, became the rivals of the men in courage,

* *Traités de Législation*, tom. ii. partie 4. (Ed. 1820.) "Des moyens indirects de prevenir les délits."

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and, mingling with them in the barbarous tumult of a military life, became unfeeling as they.

It is to the cultivation of the arts and sciences that we must, in great measure, ascribe the existence of that party which is now opposed to war: it has received its birth amid the occupations and pleasures furnished by the fine arts. These arts, so to speak, have enrolled under their peaceful banners that army of idlers which would have otherwise possessed no amusement but in the hazardous and bloody game of war.

Such is the species of utility which belongs indiscriminately to all the arts and sciences. Were it the only reason, it would be a sufficient reason for desiring to see them flourish and receive the most extended diffusion.

If these principles are correct, we shall know how to estimate those critics, more ingenious than useful, who, under pretence of purifying the public taste, endeavour successively to deprive mankind of a larger or smaller part of the sources of their amusement. These modest judges of elegance and taste consider themselves as benefactors to the human race, whilst they are really only the interrupters of their pleasure—a sort of importunate hosts, who place themselves at the table to diminish, by their pretended delicacy, the appetite of their guests. It is only from custom and prejudice that, in matters of taste, we speak of false and true. There is no taste which deserves the epithet *good*, unless it be the taste for such employments which, to the pleasure actually produced by them, conjoin some contingent or future utility: there is no taste which deserves to be characterized as bad, unless it be a taste for some occupation which has a mischievous tendency.

The celebrated and ingenious Addison has dis-

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tinguished himself by his skill in the art of ridiculing enjoyments, by attaching to them the fantastic idea of *bad taste.* In the *Spectator* he wages relentless war against the whole generation of *false* wits. Acrostics, conundrums, pantomimes, puppet-shows, *bouts-rimes*, stanzas in the shape of eggs, of wings, burlesque poetry of every description; in a word, a thousand other light and equally innocent amusements fall crushed under the strokes of his club. And, proud of having established his empire above the ruins of these literary trifles, he regards himself as the legislator of Parnassus! What, however, was the effect of his new laws? They deprived those who submitted to them of many sources of pleasure; they exposed those who were more inflexible, to the contempt of their companions.

Even Hume himself, in spite of his proud and independent philosophy, has yielded to this literary prejudice. "By a single piece," says he, "the Duke of Buckingham rendered a great service to his age, and was the reformer of its taste!" In what consisted this important service? He had written a comedy, *The Rehearsal*, the object of which was to render those theatrical pieces, which had been most popular, the objects of general distaste. His satire was completely successful; but what was its fruit? The lovers of that species of amusement were deprived of so much pleasure; a multitude of authors, covered with ridicule and contempt, deplored, at the same time, the loss of their reputaion and their bread.

As the amusement of a minister of state, it must be confessed, that a more suitable one might be found than a game at *solitaire.* Still, among the number of its amateurs was once found Potemkin, one of the most active and respected Russian

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ministers of state. I see a smile of contempt upon the lips of many of my readers, who would not think it strange that any one should play at cards from "eve till morn," provided it were in company. But, how incomparably superior is this solitary game to many social games; so often anti-social in their consequences! The first, a pure and simple amusement, stripped of everything injurious, free from passion, avarice, loss, and regret. It is gaming enjoyed by some happy individuals, in that state in which legislators may desire, but cannot hope that it will ever be enjoyed by all throughout the whole world. How much better was this minister occupied, than if, with the Iliad in his hand, he had stirred up within his heart the seeds of those ferocious passions which can only be gratified with tears and blood.

As men grow old, they lose their relish for the simple amusements of childhood. Is this a reason for pride? It may be so; when to be hard to please, and to have our happiness dependant on what is costly and complicated, shall be found to be advantageous. The child who is building houses of cards is happier than was Louis XIV. when building Versailles. Architect and mason at once, master of his situation and his materials, he alters and overturns at will.

Diruit, edificat, mutat quadrata rotundis.

And all this at the expense neither of groans nor money. The proverbial expression of the *games of princes*, may furnish us with strong reasons for regretting that princes should ever cease to love the *games of children*.

A reward was offered by one of the Roman emperors to whoever would invent a new pleasure; and because this emperor was called *Nero*, or *Caligula*, it has been imputed to him as a crime: as if

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every sovereign, and even every private individual, who encourages the cultivation of the arts and sciences, were not an accomplice in this crime. The employment of those critics, to whom we have before referred, tends to diminish the existing stock of our pleasures: the natural effect of increasing years, is to render us insensible to those which remain: by those who blame the offer of the Roman emperor, these critics should be esteemed the benefactors of mankind, and old age the perfection of human life.

In league with these critics are the tribe of satirists; those generous men, who without other reward than the pleasure of humbling and disfiguring everything which does not please them, have constituted themselves reformers of mankind! The only satire I could read, without disgust and aversion, would be a satire on these libellers themselves. Their occupation consists in fomenting scandal, and in disseminating its poisons throughout the world, that they may be furnished with pretexts for pouring contempt upon everything that employs or interests other men. By blackening everything, and exaggerating everything (for it is by exaggeration they exist) they deceive the judgments of their readers:—innocent amusements, ludicrous eccentricities, venial transgressions and crimes, are alike confounded and covered with their venom. Their design is to efface all the lines of demarcation, all the essential distinctions which philosophy and legislation have with so much labour traced. For one truth, we find a thousand odious hyperboles in their works. They never cease to excite malevolence and antipathy: under their auspices, or at least under the influence of the passions which animate them, language itself becomes satirical. Neutral expres-

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sions can scarcely be found to designate the motives which determine human actions: to the words expressive of the motive, such as *avarice*, *ambition*, *pride*, *idleness*, and many others, the idea of disapprobation is so closely, though unnecessarily, connected, that the simple mention of the motive implies a censure, even when the actions which have resulted from it have been most innocent. The nomenclature of morals is so tinctured with these prejudices, that it is not possible, without great difficulty and long circumlocutions, simply and purely, without reprobation or approbation, to express the motives by which mankind are governed. Hence our languages, rich in terms of hatred and reproach, are poor and rugged for the purposes of science and of reason. Such is the evil created and augmented by satiric writers.*

Among rich and prosperous nations, it is not necessary that the public should be at the expense of cultivating the arts and sciences of amusement and curiosity. Indivdiuals will always bestow upon these that portion of reward which is proportioned to the pleasure they bestow.

Whilst, as to the arts and sciences of immediate and those of more remote utility, it would not be necessary, nor perhaps possible, to preserve between these two classes an exact line of demarcation. The distinctions of theory and practice are equally applicable to all. Considered as matter of theory, every art or science, even when its practical utility is most immediate and incontestable, appears to retire into the division of arts and sciences of remote utility. It is thus that medicine and legislation, these arts so practical, consi-

* See further on this subject in Mr. Bentham's "Table of Springs of Action."

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dered under a particular aspect, appear equally remote in respect to their utility with the speculative sciences of logic and mathematics. On the other hand, there is a branch of science for which, at first, a place would scarcely have been found, among the arts and sciences of curiosity, but which cultivated by industrious hands, has at length presented the characters of immediate and incontestable utility. Electricity, which, when first discovered, seemed destined only to amuse certai philosophers by the singularity of its phenomena has at length been employed with most striking success in the service of medicine, and in the protection of our dwellings against those calamities, for which ignorant and affrighted antiquity could find no sufficient cause, but the special anger of the gods.

That which governments ought to do for the arts and sciences of immediate and remote utility, may be comprised in three things—1. To remove the discouragements under which they labour; 2. To favour their advancement; 3. To contribute to their diffusion.

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CHAPTER II.

ART AND SCIENCE—ADVANCEMENT.

THOUGH discoveries in science may be the result of genius or accident, and though the most important discoveries may have been made by individuals without public assistance, the progress of such discoveries may at all times be materially accelerated by a proper application of public encouragement. The most simple and efficacious method of encouraging investigations of *pure theory*, the first step in the career of invention, consists in the appropriation of specific funds to the researches requisite in each particular science.

It may, at first sight, appear superfluous to recommend such a measure as this, since there are few states which have not sometimes made such appropriations, and since all governments, in proportion as they have become enlightened, have been more and more disposed to reckon such expenses necessary. The most efficacious methods of employing the large funds which ought thus to be appropriated, remain, however, to be examined.

It would be necessary that the funds applicable to a given science, chemistry for example, should be confided to the students of chemistry themselves. They ought, however, to be bestowed in the shape of reward. Thus the chemist, who upon a given subject should have produced the best theoretic dissertation, might be put into possession of these funds, upon condition that he should employ them in making the experiments which he had pointed out. What more natural or useful re-

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ward could be conferred upon a philosopher, than thus to be enabled, with honour to himself, to satisfy a taste or a passion which the insufficiency of his own fortune would have rendered rather a torment than a pleasure? His talents are rewarded, by giving him new means of increasing them. Other rewards often have a contrary effect, they tend to distract his attention, and to give birth to opposite tastes.

If this method of encouraging theoretic researches has been neglected, it has been because the intimate connection between the sciences and arts, between theory and practice, has only been well understood by philosophers themselves; the greater number of men recognise the utility of the sciences only at a moment when they are applied to immediate use. The ignorant are always desirous of humbling the wise; gratifying their self love, by accusing the sciences of being more curious than useful. "All your books of natural history are very pretty," said a lady to a philosopher, "but you have never saved a single leaf of our trees from the teeth of the insects." Such is the frivolous judgment of the ignorant. There are many discoveries which, though at first they might seem useless in themselves, have given birth to thousands of others of the greatest utility. It is in conducting the sciences to this point, that encouragements might thus be advantageously employed, instead of being bestowed in what are generally called rewards. When the discoveries of science can be practically employed in the increase of the mass of general wealth, they receive a reward naturally proportioned to their utility: it is therefore for such discoveries as are not thus immediately applicable, that reward is most necessary. Of this nature are most of the discoveries of chemistry. Is a new

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earth discovered? a new air? a new salt? a new metal? the utility of the discovery is at first confined to the pleasure experienced by those interested in such researches. This ordinarily is all the benefit reaped by the discoverer: occupied in making further discoveries, he leaves it to others to reap their fruits. It is those who follow him who apply them to the purposes of art, and levy contributions upon the individuals, who are desirous of enjoying the fruits of his labour. Ought the master workman, who sees no particular individual upon whom he may levy a contribution, therefore to go without reward.

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CHAPTER III.

ARTS AND SCIENCE—DIFFUSION.

THE sciences, like plants, may expand in two directions; in superficies and in height. The superficial expansion of those sciences which are most immediately useful, is most to be desired. There is no method more calculated to accelerate their advancement, than their general diffusion: the greater the number of those by whom they are cultivated, the greater the probability that they will be enriched by new discoveries. Fewer opportunities will be lost, and greater emulation will be excited in their cultivation.

Suppose a country divided into districts, somewhat similar to the English counties, but more equal in size, say from thirty to forty miles in diameter, the following is the system of establishments which ought to be kept up in the central town of each district.

1. A professor of medicine.
2. A professor of surgery and midwifery.
3. An hospital.
4. A professor of the veterinary art.
5. A professor of chemistry.
6. A professor of mechanical and experimental philosophy.
7. A professor of botany and experimental horticulture.
8. A professor of the other branches of natural history.
9. An experimental farm.

The first advantage resulting from this plan

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would be the establishment, in each district, of a practitioner, skilled in the various branches of the art of healing. An hospital, necessary in itself, would also be further useful, by serving as a school for the students of this art.

The veterinary art, or the art of healing as applied to animals, has only within these few years been separately studied in England. The farriers, who formerly practised upon our cattle, were generally no better qualified for their duty, than the old women whom our ancestors allowed to practice upon themselves. The establishment of a professor of the veterinary art in every district, might even be recommended as a matter of economy: the value of the cattle preserved would more than counterbalance the necessary expense. This professorship might, for want of sufficient funds, be united to one of the others.

The connections of chemistry with domestic and manufacturing economy are well known. The professor of this science would of course direct his principal attention to the carrying this practical part to its greatest perfection. His lectures would treat of the business of the dairy; the preservation of corn and other agricultural productions; the preservation of provisions of all sorts; the prevention of putrefaction, that subtle enemy of health as well as of corruptible wealth; the proper precautions for guarding against poisons of all sorts, which may so easily be mingled with our provisions, or which may be collected from the vessels in which they are prepared. They would also treat of the various branches of trade: of the arts of working in metal, of breweries, of the preparation of leather, and the manufactures of soap and candles, &c. &c.

Botany, to a certain degree, is necessary in the

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science of medicine: it supplies a considerable part of the materials employed. It has a similar connection with chemistry, and the arts which depend upon it. The combined researches of the botanist and chemist would increase our knowledge of the various uses to which vegetable substances might be applied. It is to them that we must look for the discovery of cheaper and better methods, if such methods are to be found: of giving durability and tenacity to hemp and flax for the manufacture of linens, ropes, and paper; for discoveries respecting the astringent matters applicable to the preparation of leather; and for the invention of new dyes, &c. and so on, to infinity. Indeed, it is the botanist who must enable the agriculturist to distinguish the most useful and excellent herbs and grasses, from those which are less useful and pernicious.

The professor of natural history would also furnish abundance not only of curious but useful information. He would teach the cultivator to distinguish throughout all the departments of the animal kingdom his allies from his enemies. He would point out the habits and the different shapes assumed by different insects, and the most efficacious methods of destroying them and preventing their ravages. It might, however, perhaps appear, were we fully acquainted with the history of all the animals which dwell with us upon the surface of this planet, that there would be found none whose existence was to us a matter of indifference.

I have placed in the last rank the institution of an experimental farm; not because its utility would be inferior to all the others, but because its functions may be easily supplied by individual industry. In a country so well replenished with

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knowledge, wealth, and zeal, as England, there is no district which could not furnish an abundance of experiments in this department. Little more would be necessary than to provide a register into which they might be collected, and in which they might receive the degree of publicity necessary for displaying their utility. Such a register England once possessed in the work of the enlightened and patriotic Arthur Young. Such a register, however numerous and excellent as the hints dispersed throughout it were, was far from supplying the place, and rendering useless a system of regular and connected researches in which instruction should constitute the sole object.*

In enumerating the branches of knowledge with which, on account of their superior utility, it is most desirable that the great mass of the people should be acquainted, it may well be supposed that I ought not to forget the knowledge of the laws. But that this knowledge may be diffused, a determinate system of cognoscible laws, capable of being known, is necessary. Unhappily, such a system does not yet exist: whenever it shall come to be established, the knowledge of the laws will hardly be considered worthy of the name of science. The legislator who allows more intelligible terms to exist within the compass of language, than those in which he expresses his laws, deserves the execration of his fellow men. I have endeavoured to present to the world the outlines of a system,† which should it ever be

* *The Board of Agriculture,* which, at the solicitation of Sir John Sinclair, was formed during the administration of Mr. Pitt, was designed to carry purposes similar to those recommended above into effect.

† See *An Introduction to Principles of Morals and Legislation.*

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filled up, I flatter myself would render the whole system of laws cognoscible and intelligible to all.

As to those arts and sciences which may be learned from books, such as the arts of legislation, history in all its branches, moral philosophy and logic, comprehending metaphysics, grammar, and rhetoric,—these may be left to be gathered from books. Those individuals who are desirous of alleviating the pains of study, by the charms of declamation upon these subjects, may be permitted to pay for their amusements. There is however one branch of encouragement which the hand of government might extend even to these studies. It might establish in each district in which the lectures, of which we have already spoken, should be delivered, an increasing library, appropriated to these studies. This would be at once to bestow upon students the instruments of study, and upon authors their most appropriate reward.

I should not consider knowledge in these departments, at once so useful and so curious, ill acquired, were it even acquired at the expense of Latin and Greek, an acquaintance with which is held in such high estimation in our days, and for instruction in which the foundations are so abundant. Common opinion appears to have considered the sciences more difficult of attainment than these dead languages. This opinion is only a prejudice arising from the comparatively small number of individuals who apply themselves to the study of the sciences, and from its not having been the custom to study them till the labour of these other studies has been completed. But, custom and prejudice apart, it is in the study of the sciences that young people would find most pleasure and fewest difficulties. In this career, ideas find easy access through the senses to the memory and the other

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intellectual faculties. Curiosity, that passion which even in infancy displays so much energy, would here be continually gratified. In the study of language, on the contrary, all is abstraction; there are no sensible objects to relieve the memory; all the energy of the mind is consumed in the acquisition of words, of which neither the utility nor the application is visible. Hence, the longest and most detailed course of instruction which need be given upon all the sciences before mentioned, would not together occupy so much time as is usually devoted to the study of Latin, which is forgotten almost as soon as learned. The knowledge of languages is valuable only as a means of acquiring the information which may be obtained from conversation or books. For the purposes of conversation, the dead languages are useless, and translations of all the books contained in them may be found in all the languages of modern Europe. What then remains to be obtained from them, not by the common people, but even by the most instructed? I must confess, I can discover nothing but a fund of allusions wherewith to ornament their speeches, their conversations, and their books: too small a compensation for the false and narrow notions which custom continues to compel us to draw up from these imperfect and deceptive sources. To prefer the study of these languages to the study of those useful truths which the more mature industry of the moderns has placed in their stead, is to make a dwelling-place of a scaffolding, instead of employing it in the erection of a building: it is as though, in his mature age, a man should continue to prattle like a child. Let those who are pleased with these studies continue to amuse themselves; but let us cease to torment children with them, at least those children who

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will have to provide for their own subsistence, till such time as we have supplied them with the means of slaking their thirst for knowledge at those springs where pleasure is combined with immediate and incontestable utility.

It is especially by a complete course of instruction that the clergy, who might be rendered so useful, ought to be prepared for their functions. Within the narrow limits of every parish, there would then be found one man at least well instructed upon all subjects with which acquaintance is most desirable. In exchange for this knowledge which constitutes the glory of man, I would exchange as much as might be desired of that controversy which is his scourge and his disgrace.

The intervals between divine service on the sabbath might then be filled up by the communication of knowledge to those, whose necessary avocations leave them no other leisure time for improvement. An attendance upon a course of physico-theology, it appears to me, would be a much more suitable mode of employing this time, than wasting it in that idleness and dissipation in which both health and money are so frequently lost.

There are three causes which tend to strengthen an attachment to the dead languages. The first is, the utility which they formerly possessed. At the revival of letters, there was nothing to learn but Latin and Greek, and nothing could be learnt but by Latin and Greek. The period when this utility ceased having never been fixed, custom has led us to regard it as still subsisting.

A second reason is, the time and trouble expended by so many persons in learning them.

The price of any thing is regulated not only by its utility, but also by the labour expended in pro-

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curing it. Few would be willing to acknowledge that they had spent a large portion of their life in learning that, which when learnt was not worth knowing. There are many individuals who have learnt Latin and Greek, but have learned nothing else. Can it be expected that they should acknowledge these languages are useless? As well might a knight-errant have been expected to acknowledge that his mistress was ugly!

The third cause is, their reputed necessity. This necessity, though purely conventional, is not

* "En effet, la plupart de ces savans ne sentent plus les choses en elles-mêmes. Ils sont comme ces imaginations faibles, qui, subjuguées par l'éclât des dignités et des richesses, admirent dans la bouche d'un grand ce qu'ils trouveraient pitoyable dans celle d'un homme du commun. Ainsi, l'ancienne réputation et les langues savantes leur imposent, et changent tout à leurs yeux. Telle pensée qu'ils entendent tous les jours en François sans y prendre garde, les enlève s'ils viennent à la rencontrer dans un auteur Grec. Tout pleins qu'ils en sont, ils vous la citent avec emphase; et si vous ne partagez pas leur enthousiasme, Ah! s'écrient-ils, si vous saviez le Grec! Il me semble entendre le héros de Cervantes, qui, parcequ'il est armé chevalier, voit des enchanteurs où son écuyer ne voit que des moulins.

"Tel est l'inconvénient ordinaire de l'érudition, et il n'y a que les esprits du premier ordre qui puissent l'éviter. L'ignorance, me dira-t-on, n'a-t-elle pas aussi ses inconvéniens? Oui, sans doute; mais on a tort d'appeler ignorans ceux mêmes qui ne sauroient ni Grec ni Latin. Ils peuvent même avoir acquis en François toutes les idées nécessaires pour perfectionner leur raison, et toutes les expériences propres à assurer leur goût. Nous avons des philosophes, des orateurs, des poëtes: nous avons même des traducteurs où l'on peut puiser toutes les richesses anciennes, dépouillées de l'orgueil de les avoir récueillies dans les originaux. Un homme qui, sans Grec et sans Latin, auroit mis à profit tout ce qui s'est fait d'excellent dans notre langue, l'emporterait sans doute sur le savant qui, par un amour déréglé des anciens, auroit dédaigné les ouvrages modernes."—*La Mothe, Réflexions sur la Critique, p.* 148.

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the less real. Public opinion has attached a degree of importance to an acquaintance with them, and he who should be known to be entirely ignorant of them, would be branded with disgrace. So long as this law subsists, it must be obeyed. A single individual is seldom able to withstand or change the laws established by public opinion.

As the public mind becomes enlightened, these laws will change of themselves. A sovereign may, however, hasten these changes if he believe them useful, and if he consider the attempt worth the trouble. He may reward individuals for teaching the arts and sciences, and thus establish a new public opinion, which shall at first compete with, and at length ultimately subdue the previous prejudice.

He may also attain the same end by another less costly, but more startling method. He may prescribe an attendance upon different scientific lectures, as a necessary condition to the holding of certain offices, and particularly of all honorary employments. To those who have completed their course of attendance, an honorary diploma may be given, which upon all occasions of public ceremony shall entitle those who possess it to a certain precedence.

In the times of feudal barbarism, when war was the only occupation of those who did not belong to the commonalty or the clergy, the upper ranks in society were necessarily military. The knight was the warrior who could afford to fight on horseback; the squire was one who, not being so rich as the knight, could afford to be his principal attendant, and this constituted their nobility.

In future times, when other occupations shall be pursued and other manners established, it is possible that knowledge may confer rank in Europe, as

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the appearance of it has for a long time past in China. Wealth, independently of any convention, possesses real power, and will always mingle with everything which tends to confer respect. The philosopher, to his title of honour, will unite the idea of an individual sufficiently wealthy to have supported the expense of a learned education: Knowledge, whether true or presumptive, might thus become a mark of distinction, as the length of the nails is in China.

But it may be said, that something more than attendance upon a course of scientific lectures is necessary, if anything is to be learned, and that the law which should bestow honour upon attendance would not insure study. If it were necessary to have a nobility composed of real philosophers, other methods must be pursued; but when the object in view is merely to change the species of knowledge in which they are to be instructed, from what is useless to what is useful, what more need be required? When interesting objects of study are substituted for those which are uninteresting, they would not study less.

I know that public examinations are powerful means for exciting emulation, but I have no desire to place additional obstacles in the way of a plan whose novelty alone would render it but too alarming: a project which to many will appear romantic, need not be accompanied by an accessory whose aspect is alarming, and whose utility is problematic.

The most stupid and inattentive could scarcely attend upon a long course of instruction without gaining some advantage; they would, at least, be familiarised with the terms of art, which constitute not only the first, but the greatest difficulty; they would form some idea of the principal divi-

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sions of the country they traversed; and should they ever be desirous of directing a more particular examination to any particular division, they will at least know in what direction to seek for it. As all the world would then be occupied with the study of the sciences, they would pretend thus to employ themselves, and would be ashamed to be entirely ignorant of those things which were the subjects of general conversation.

Russia is an instance of the ease with which a new direction may be given to the opinions of a whole people. Nobility of birth is but little respected; official rank is the only ground of distinction. This change has been effected by a few simple regulations. Unless he is an officer, no individual, how rich or nobly born soever he may be, can vote, or even sit in the assembly of the nobility. The consequence has been, that all classes have pressed into the service of the state. If they do not intend to make it their profession, they quit it when they have attained the rank which confers this privilege.

Note.—If Mr. Bentham had consented to revise his MSS. which were written more than forty years ago, he might have seen reason to alter many of his observations.

In England, much has been done in the interval. Public opinion has sensibly changed respecting the value of classical learning. It is highly esteemed at college, but elsewhere it is now only considered as an accessory; the most enlightened parents regret that it is still the only object of instruction in our puplic schools.

Since the establishment of the *Royal Institution*, many similar institutions have been formed, and a general desire for useful knowledge has been disseminated. The ladies have displayed a persevering ardour in their attendance on these means of instruction, so much the more praiseworthy, as it has been uniformly excited by inclination alone. Elementary works

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have been multiplied; but all this has been done by the exertions of individuals, without any encouragement from the state.

As to public education, it is more easy to create than to reform. A good institution would be the best criticism upon the bad. If two or three colleges were founded in London, suited to the wants of the more numerous classes of those who are destined to the pursuits of art, trade, or commerce, in which not Latin or Greek (almost always useless in these avocations) should be taught, but the national language, which has generally been neglected, together with all those branches of knowledge, which if not absolutely necessary, are always useful and agreeable, we should soon see these seminaries draw together a crowd of scholars, and the old colleges would be obliged to correct their system in order to maintain their ground.

It may be said, that private schools may supply the deficiency; but there is a great difference between public and private establishments. Private education can only succeed by a train of happy events, whilst in public education, a multitude of circumstances are overcome. Besides, domestic education is limited to the rich, whilst public instruction is adapted to the most moderate fortunes.—DUMONT.

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RATIONALE OF REWARD.

BOOK IV.

REWARD APPLIED TO PRODUCTION AND TRADE.

CHAPTER I.

BENTHAM AND ADAM SMITH.

N.B. THIS fourth book was not included by the author, in his plan, as a part of a treatise upon rewards. It consists, however, of the most important application of the principles laid down in the former part of this work, and particularly in Book 1, ch. 15, *Competition as to Rewards.* It is extracted from another of Mr. Bentham's manuscripts, entitled, *A Manual of Political Economy;* a work, which as it respects its foundations and its results, is the same as Adam Smith's *Wealth of Nations*, but from which it widely differs in plan and form.

The Scotch Philosopher, having to discuss a new subject which presented a controversy at every step, thought it necessary to begin with an exposition of facts. His work is principally historical: he has described in a most admirable manner the progress of society, from its state of

* Translated from the French of DUMONT.

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primitive poverty to its present condition of opulence; he has traced the march of industry in its natural course, from agriculture to manufactures, from manufactures to commerce, and from internal to foreign commerce. In the midst of these interesting pictures, the didactic part is only incidental: he seems to have been fearful of prematurely forming a system. He has collected the elements of knowledge, and he has left to the fermentation of time the care of bringing them to perfection, and extracting their consequences.

The object of Adam Smith allowed of a happy diversity, and he has chosen the easiest and most ornamental method of effecting it; but it is neither the shortest nor the most favourable for the purposes of instruction. His movements are not progressive; he often retraces his steps: active minds reproach him with being diffuse in argumentation, and pretend that each of his chapters forms a distinct treatise.

Mr. Bentham has chosen a narrower and more difficult path: he has considered the subject with a reference to legislation alone, and uniformly has confined himself to the practical part. This is what the law ought to be on this point: this is what ought to be done; and above all this ought not to be done, if it be desirable that the national prosperity should be carried to the highest possible pitch: such is his design. His progress is marked by a didactic rigour: he advances from definitions to principles, and from principles to consequences.

This difference in design is not the only one between the two works. Mr. Bentham has simplified his subject, by referring everything to one principle; namely, *the limitation of production and trade by the limitation of capital:* a principle which brings all his reasonings into a very small circle,

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and which serves to unite into one bundle those observations which cannot be so easily grasped when they are disunited. His is not a new discovery. This principle pervades, and, so to speak, is diffused throughout the whole work of Adam Smith, but is nowhere announced as a governing principle: he has never directly employed it. Had he clearly recognized it, he would have made it the centre of his system: it would have been the foundation upon which he would have erected his whole superstructure, and he would have been spared a multitude of repetitions and windings.

The *Manual* of Mr. Bentham would not tend to supersede the necessity of reading the *Wealth of Nations.* The historical part of that work, in exhibiting the origin of things; in leading us to reflect upon the phenomena of society; in taking down its machinery and exhibiting each part separately, lays the foundation of the science. It is thus, that the knowledge of anatomy and physiology ought to precede the science of medicine, properly so called.

I have extracted from Mr. Bentham's Manual, those parts which belonged to my present work, and which I could not have omitted without, in some respects, leaving it incomplete. It is not, however, for the learned that this part of the work is intended: they are above these elements. The study of political economy has become common and familiar, in comparison with what it was when these writings were composed. Still, however, in them errors are attacked which are yet far from being completely destroyed; and which have a continual tendency to be reproduced. The passions of men are continually sowing in this field briars and poisonous plants, which it is necessary continually to extirpate. This little extract, which

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may be read in half an hour, places in a new light the grand principles of social order, security, the free exercise of industry, the energy of the attractive and remuneratory motives which induce free men to labour, the comparative weakness of the motives of constraint which induce slaves to exert themselves. New arguments are furnished wherewith to combat national jealousies, the desire for distant establishments, and other prejudices not less mischievous.

In conclusion, political economy is a science, rather than an art. There is much to be learned respecting it and little to be done.

Is it inquired what ought governments to do, that wealth may be increased—the answer is, Very little, and nothing rather than too much. What ought to be done for the increase of population?—Nothing. In the greater number of states, the best methods of augmenting population and wealth, would consist in abolishing those laws and regulations whereby it has been sought to increase them, provided such abolition were gradually and carefully accomplished.

The art therefore is reduced within a small compass: *security* and *freedom* is all that industry requires. The request which agriculture, manufactures, and commerce presents to governments, is modest and reasonable as that which Diogenes made to Alexander: "*Stand out of my sunshine.*" We have no need of favour, we require only a secure and open path.

In connexion with this Manual, I cannot omit the opportunity of making a remark in favour of those philosophers who have particularly cultivated the science of political economy. They have taken no part in the dissemination of those splenetic and odious paradoxes respecting the inequality

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of ranks, the progress of wealth and civilization, the enjoyments of luxury and arts. It is they, on the contrary, who have furnished the most solid arguments wherewith to refute these subversive opinions, and wherewith to justify social order. They have replied to declamation by reasoning; to the pictures of fancy, by facts; to conjectures, by calculations. They have shown that men in society have a much greater number of interests in common, than of interests opposed to one another; that ignorance alone separates them; that the more they are enlightened, the more closely they become united; that there is a sensible progression among the human race towards perfection, although its march may be irregular, and its movements even sometimes retrograde.

What answer so victorious to the multitude of complaints respecting the misery of the poorer classes amongst us, as the real picture of the universal indigence of primitive societies! Poverty is not a consequence of social order: why is it considered as its reproach? It is a remnant of a state of nature. Wealth has been created by man: poverty is the condition of nature. The division of property, of labour, the invention of machines, the application of the elements to the purposes of production, have increased the powers of the human race a hundred-fold, and have in like manner augmented the sources of abundance, so that famine, that almost habitual scourge of savage nations, is unknown among nations moderately well governed; they have even a sufficient superfluity for the support of numerous classes who consume without reproducing. To this security respecting subsistence, the first benefit accruing from social order, add the pleasures of gradual acquisition; that sweet association of industry with hope, that growing in-

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terest of life when one advances towards the object of his desires; that charm of property, the spur of youth and pillow of old age. This system of industry is at the same time the foundation of morality, of reciprocal wants, of relative bonds, and of public and private virtues.

The objection apparently the most specious is happily found the most false. It has been pretended, that individuals could only enrich themselves by despoiling others; that they were necessarily enemies, and lived, as gladiators, only by destroying one another. Trade has been confounded with gambling, in which the gain of one is always founded upon the loss of another. But on the contrary, in a social undertaking, all the adventurers may reap their share of advantage; since, all other things equal, the more labour there is, the greater will be the result. The sources of wealth, if the government be not very bad, are always increasing; so that the number of the successful, among the candidates for fortune, always increases, and there are not any who are necessarily unsuccessful.

The idea of beholding in those who enrich themselves, only more daring and expert plunderers than others, is correct as that of the misanthropist, who considers its criminal calendar as an account of the habitual actions of the citizens of any country. Without stopping to refute in detail such absurd exaggerations, we shall only point out a single clear and palpable proof of the fact. When we look at North America, we may there behold society in almost all its stages; we may there trace the formation of wealth in the furrows of agriculture, and its distribution through the channels of industry. Industry, like an hydraulic machine, raises the waters as they proceed

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from their source; it turns them back again, re-raises, and makes them circulate without cessation. There is no waste in the whole process. The wealth of one is so little founded upon the impoverishment of others, that, on the contrary, the creation of one capital soon creates others, and the level of all conditions is elevated at the same time.

The argument against civilization, drawn from the power and number of those swarms of barbarians which issued from the north, is become, when judiciously examined, a direct proof in its favour. These barbarians had no home: deprived of everything which attaches man to the soil which gave him birth, they envied what they knew not how to create, and destroyed instead of imitating. The innumerable multitudes, which were gratuitously supposed, have vanished when it has been considered that hordes, wandering in countries covered with forests, could not have increased above their narrow means of subsistence. Since civilization has penetrated into these countries; since the means of enjoyment and combatting the disadvantages of the climate by the resources of art have been multiplied, the people, more happy and more numerous, have assumed habitudes which have attached them to the possession of the soil. Famine no longer obliges them to pounce like vultures upon their wealthy neighbours: their necessary wants supplied, their manners have been softened. Production has supplanted pillage, and they have become incorporated in that great family of which they were the scourge.

A culpable insensibility ought not, however, to be imputed to the admirers of social order, with respect to the evils which they have not yet known how to prevent. If happiness be produced by natural and constant causes; if it greatly exceed

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the evil; if it have a tendency to augmentation, their admiration is justified. Happiness is of necessity; misery is accidental. Happiness arises from the order of nature, misery from the ignorance of men. Happiness multiplies itself, and every instance of its increase produces more; misery carries with it its warning, and is its own antidote. These considerations, far from cooling our zeal in favour of the suffering part of society, leave those without excuse who turn away from assisting them. It is lawful to turn away our thoughts from incurable evils, but we are criminal if we allow those to exist which we can cure. Omnisque non solùm cessatio ignavia est: sed etiam quærendi defatigatio existimari debet turpissima, ubi id quod quæritur est pulcherrimum.*

* Scaliger.

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CHAPTER II.

WEALTH AND HAPPINESS—RELATION—INCREASE.

THAT the reader may not be detained by a multitude of definitions, I shall confine myself to a few preliminary explanations. Under the general name of the matter of wealth,* every object is comprehended which can be desired by man; which can be possessed by him; which is actually fit for his use, or which can be made so.

The wealth of a community is the aggregate amount of the matter of wealth belonging to the different individuals of which that community is composed.

All wealth is either the spontaneous production of the earth, or the result of labour, employed in the cultivation of the earth, or upon the materials which it yields.

Wealth may be employed in four ways: 1. For subsistence; 2. For enjoyment; 3. For security or defence; 4. For increase.

As the matter of wealth cannot be employed in any one of these ways, without being in a greater

* The compound term, "matter of wealth," is employed to prevent ambiguity; it carries with it a reference to quantity. There are many things which may constitute part of the matter of wealth, which, when taken separately or in small quantities, would hardly be called wealth. Thus the wealth of a stationer may consist of a mass of rags; a small portion of which lying upon a dunghill few would call wealth; none, however, could deny that they might constitute part of the matter of wealth.

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or less degree consumed, the stock existing at any given period would be continually diminishing, if constant exertions were not employed in the increasing of it.

Wealth, considered as arising at successive periods, is called *income.*

That portion of it which is employed for the purposes of giving increase to its amount, is called *capital.*

An individual who would in any manner employ himself in the accumulation of wealth, ought to possess—1. Materials on which to work; 2. Tools wherewith to work; 3. A place in which to work; 4. Necessaries for his subsistence while at work. All these objects are comprised under the name of *capital.*

In the order of history, labour precedes *capital.* From land and labour, everything proceeds. But in the actual order of things there is always some capital already produced, which is united with land and labour in the production of new values. When an article of the produce of land or labour, in place of being consumed or kept for the use of him who has made it, or caused it to be made, is offered in exchange, it then becomes an article of commerce: it is *merchandise.*

The general wealth is increased:—

1. By the increased efficacy of labour.
2. By the increase of the number of workmen.
3. By the increase of capital.
4. By the more advantageous employment of capital.
5. By means of trade.

In all civilised societies, a class of persons is found who purchase of the manufacturer that they may sell to the consumer.

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The whole of the operations of manufacture, and of sale, may be described by the general terms of *production* and *trade*.

The spontaneous actions of individuals, in the career of production and trade, depend on three conditions: *Inclination*, *knowledge*, and *power*.

Inclination to increase in wealth by labour and economy may be wanting in some individuals, but it predominates in men in general, and needs no other encouragement than legal security for the possession of what has been produced by it. *Knowledge*, in the shape here in question, is a result of the inclination which naturally leads men to study, every one in his own concerns, the means of preserving and increasing his wealth. By *power*, in the shape here in question, I understand that which consists in pecuniary capital, which is in proportion to this capital, and cannot exceed it.

As to *inclination*, government has no need to do anything for its increase; any more than for the increase of the desire of eating and drinking.

In respect of *knowledge*, it may contribute to extend it, not only by means of general instruction, of which we have already spoken, but also by information respecting particular facts; respecting particular branches of production and trade, and respecting particular new discoveries to which it may give birth by reward and encouragement, and which it may communicate by publication.

In respect of *power*, in so far as it consists in pecuniary capital, government cannot with advantage create it: whatever it gives to one individual it must have taken from another;

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but there is another species of power, which consists in liberty of acting, which government may grant without any expense: it has only to repeal restrictive laws, to take away obstacles; in a word, to leave things to themselves.

Such are the outlines of an analytical plan, by which, it is believed, it will be found, that a circle is drawn around the subject.

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CHAPTER III.

PRODUCTION IS LIMITED BY CAPITAL.

No kind of productive labour of any importance can be carried on without capital. From hence it follows that the quantity of labour, applicable to any object, is limited by the quantity of capital which can be employed on it.

If I possess a capital of 10,000*l.* and two species of trade, each yielding twenty per cent. profit, but each requiring a capital of 10,000*l.* for carrying them on, are proposed to me, it is clear that I may carry on the one or the other with this profit, so long as I confine myself to one, but that in carrying on the one, it is not in my power to carry on the other; and that if I seek to divide my capital between them both, I shall not make more than twenty per cent; but I may make less, and even convert my profit into a loss. But if this proposition is true in the case of one individual, it is true for all the individuals in a whole nation. Production is therefore limited by capital.

There is one circumstance which demonstrates, that men are not sensible of this truth, apparently so obvious. When they recommend the encouragement of particular branches of trade, they do not pretend that they are more profitable than others; but because they are branches of trade, and they cannot possess too many. In a word, they would encourage trade in general; as if all trade did not yield its own reward; as if an unprofitable

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trade deserved to be encouraged; and as if a profitable trade stood in need of encouragement; as if indeed, by these capricious operations, it were possible to do any other thing than transfer capital from one branch of trade to another.

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CHAPTER IV.

CAPITALIST THE BEST JUDGE OF HIS OWN INTEREST.

The quantity of capital being given, the increase of wealth will, in a certain period, be in proportion to the good employment of this capital; that is to say, of the more or less advantageous direction which shall have been given to it.

The advantageous direction of capital depends upon two things: 1. The choice of the undertaking; 2. The choice of the means for carrying it on.

The probability of the best choice in both these respects, will be in proportion to the degree of interest which the undertaker has in its being well made, in connection with the means he has of acquiring the information relative to his undertaking.

But knowledge itself depends in a great measure upon the degree of interest which the individual has in obtaining it; he who possesses the greatest interest will apply himself with the greatest attention and constancy to obtain it.

The interest which a man takes in the concerns of another, is never so great as he feels in his own.

If we consider every thing necessary for the most advantageous choice of an undertaking, or the means of carrying it on, we shall see that the official person, so fond of intermeddling in the details of production and trade, is in no respect superior to the individuals he desires to govern, and that in most points he is their inferior.

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A prime minister has not so many *occasions* for acquiring information respecting farming as a farmer, respecting distillation as a distiller, respecting the construction of vessels as a shipbuilder, respecting the sale of commodities, as those who have been engaged in it all their lives.

It is not probable that he should either have directed his *attention* to these objects for so long a time, or with the same degree of energy, as those who have been urged on by such powerful motives. It is therefore probable that in point of information relative to these professions, he is inferior to those who follow them.

Official persons, therefore, with fewer opportunities of instruction, less attention to the affairs, and less practical information, are not in a condition to form a better *judgment* than those who are interested, neither in the choice of the undertaking nor the means of carrying it on.

If by chance a minister should become informed of any circumstance, which proves the superior advantage of a certain branch of trade, or of a certain process, it would not be a reason for employing authority in causing its adoption. Publicity alone would produce this effect: the more real the advantage, the more superfluous the exercise of authority.

To justify the regulatory interference of government in the affairs of trade, one or other of these two opinions must be maintained: that the public functionary understands the interests of individuals better than they do themselves; or that the quantity of capital in every nation being infinite, or that the new branches of trade not requiring any capital, all the wealth produced by a new and favourite commerce is so much clear gain, over and above what would have been produced if

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these advantages had not been conferred on this trade.

These two opinions being contrary to truth, it follows that the interference of government is altogether erroneous, that it operates rather as an obstacle than a means of advancement.

It is hurtful in another manner: by imposing restraints upon the actions of individuals, it produces a feeling of uneasiness—so much liberty lost, so much happiness destroyed.

This indeed is not a conclusive objection against these laws, since it may be urged against the best laws. All laws are coercive; but this is a reason for not making any laws, at least where their utility does not more than overbalance this inconvenience.

A measure of government, which would be unjustifiable employed as a means of increasing the national wealth, may be proper as a means of subsistence (for example, the maintaining of magazines of corn), or as a means of defence (for example, encouragements given to certain branches of commerce considered as a nursery for seamen); but it is essential to know that it produces its designed end, and not to mistake a sacrifice for an advantage, a loss for a gain. Encouragements of this nature do not the less belong to the class of *things which ought not to be done*, when unconnected with imperious circumstances, which produce the exception to the general rule.

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CHAPTER V.

FALSE ENCOURAGEMENTS—LOANS.

Of all the means whereby a government may give a particular direction to production, the *loan* of pecuniary capital to individuals, to be employed in any particular branch of trade, is the least open to objection.

It ought, however, at all times, to be free from objection with respect to justice and prudence. All the treasure of the government, from whence does it arise but from taxes, and these taxes levied by constraint?* To take from one portion of its subjects to lend to another, to diminish their actual enjoyments, or the amount which they would have laid up in reserve, is to do a certain evil for an uncertain good; is to sacrifice security for the hope of increasing wealth.

If loans of this nature were always faithfully repaid, their injustice would be limited to a certain period. Let us suppose that the capital thus employed is 100,000*l.*, and that the whole sum has been levied in one year, the injustice of the measure will have begun and ended in a year; and if the money thus lent has produced an increase of industry, it is an advantage to be set in opposition to the evil arising from the tax.

But these loans have a natural tendency to be ill employed, wasted, or stolen. Monarchs, and

* At least where the revenue of the government is not the produce of land, or the interest of money formed by an accumulation of rent. Of this nature is a part of the revenue of the republic of Berne.

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their ministers, are as liable to be deceived in the choice of individuals as in the selection of particular branches of commerce. Those who succeed with them prove only that they possess the talent of persuasion, or understand the practices of courts; but these are not the things which produce success in trade. It may be seen in the work of Mirabeau, upon the Prussian Monarchy, that Frederick II., with all his vigilance and severity, was often deceived by the ignorance or dishonesty of those who obtained from his avaricious credulity loans of this nature. Thus, in the train of the first unjust tax for the formation of the capital lent, follow other taxes, rendered necessary to replace the thefts and dilapidations to which the first has been exposed.

It is also most probable, that the capital thus employed will only be applied upon branches of industry less productive than those towards which it would naturally have directed itself. What is the argument of the borrower? that the trade he wishes to establish is new, or that it is necessary to support an established trade: but why should the government intermeddle with it, if not because individuals who consider their own interests are not willing to meddle with it? The presumption is therefore against the enterprise.

Suppose even that, by chance, this loan should take the most advantageous direction possible, the loan is not justified by this profit: it was unnecessary. For employing capital in the most advantageous manner, it is only necessary that the most advantageous employment should be known. If it be not well employed, it is that a better employment is not known. It is knowledge which is wanted: it is proper to teach and not to lend. If the government cannot tell which

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is the most advantageous employment of capital, it is still less able to employ it well; if it can tell which is the best employment, that is all it need do. If the money of government had not taken this direction, that of individuals would, had they been instructed and left free.

There are circumstances in which loans of this nature are always justifiable: when they are not employed for the encouragement of new enterprises, but only to afford support to particular branches of commerce, labouring under temporary difficulties, and which need only to be sustained for a short time till the crisis of peril or suspension is passed. This is not a speculation on the part of government, but rather an assurance against a calamity, which it seeks to prevent or to lighten. In such cases of distress individuals will not, of themselves, assist the merchants whose affairs are thus in danger: it is necessary, therefore, that assistance be supplied; and, when supplied, it is not in the way of regulation but of remedy.

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CHAPTER VI.

GIFT, OR GRATUITOUS LOAN.

Were we to judge from the number of instances in which it has been adopted, we should conclude that gratuitous grants of capital for the encouragement of commerce were most excellent measures.

Their inconveniences are of the same kinds as those of loans, but they greatly exceed them in degree. In case of a loan, if it be repaid, the same sum may serve the same purpose a second time; and so of the rest. The oppressive act by which the government obtained the capital need not be repeated. But if, in place of being lent, it be given,—so often as this favour is repeated, so often must the amount be levied by taxes: and upon every occasion it may be said, that the produce of the tax is lost, if we consider the use which might have been made of it in lightening the public burthens.

Sometimes capital has been lent with this view, without interest; sometimes at an interest below the ordinary rate. In the first case, if it be repaid, it is not the capital which is lost, but only the interest; in the second case, it is not all the interest, but only the difference between the lower and the ordinary rate. It is still the same false policy as to its kind; all the difference is in the degree.

It may be observed, that gratuitous grants are more likely to be wasted than loans: it may be because, in the latter case, responsibility is always incurred; it may be, because money received as a

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gift tends to produce prodigality: as it has been obtained without labour, it seems to have the less value.

In some cases, capital has been given, not in the shape of money, but in that of goods; by advancing to a manufacturer, for example, those articles which he wants for the completion of his work.

This plan may have the good effect of insuring the employment of the articles furnished upon the intended object. Those articles, however, with which the government interferes, are ordinarily dearer and worse in quality than those which the individual, with the same sum of money, could have obtained at his own choice. It is not the best method of treating men worthy of confidence; and it will not succeed with those who are unworthy of trust, since, after they are put in possession of them, they can convert the articles into money, and spend the amount. There may be measures which would obviate this danger: inspection, suretyship, &c.; but, when it regards a plan radically bad, the discussion of the comparative inconveniences of any particular scheme, whereby the risk may be diminished, is not worth the labour it would cost.

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CHAPTER VII.

BOUNTIES UPON PRODUCTION.

THIS mode of encouragement much exceeds the two former in the career of absurdity. In the two former cases it was an expense, a risk, without sufficient reason for supposing it would prove successful, and even without sufficient reason in case of success. But a bounty is an expense incurred with the certainty of not obtaining the object sought, and even because it is certain that it cannot be obtained.

In the case of a bounty upon production, it is not only the end which is absurd, but the means also, which possess this particular character of contributing nothing towards the end.

It is uniformly because the trade in question is disadvantageous, that it is necessary to bestow money upon its maintenance; if it were advantageous, it would maintain itself. It is because the workman is not able to obtain from the buyer a price for his merchandise which will yield an ordinary profit, that it is necessary that he should receive from the government a bounty which shall make up the difference.

Whether the kind of product upon which it operates be advantageous or not, the bounty has no efficacy in increasing the ability of the producer to augment it. Since it follows the production, since he receives it when the thing is done, and not before, it is clear that he has possessed other means of producing it. The bounty may

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have operated upon his *inclination*, but it cannot have contributed to his ability.

Bounties have been bestowed upon particular branches of trade for all sorts of reasons; on account of their antiquity, on account of their novelty, because they were flourishing, because they were decaying, because they were advantageous, because they were burthensome, because there were hopes of improving them, and because it was feared they would grow worse: so that there is no species of commerce in the world which could not, by one or other of these contrary reasons, claim this kind of favour during every moment of its existence.

It is in the case of an old branch of trade that the evil of such measures is most enormous, and in that of a new one that its inefficacy is most striking. A long established branch of trade is in general widely extended: this extent furnishes the best reason for those who solicit these favours for its support; and, to give it effect, it ought at the same time to be represented as *gaining* and *losing;* gaining, that there may be a disposition to preserve it; losing, that there may be a disposition to assist it.*

In the case of a new branch of trade or industry, the futility of the measure is its principal feature. Here, there is no reason which carries the mask of an apparent necessity—no pompous descriptions

* It is true, though it may not be worth the expense of supporting it by bounties with a view to the increase of wealth, it may be proper to assist it as a means of subsistence or defence. It is still more true, that what ought not to be done with the intention of supporting an unprofitable branch of trade, may yet be proper for preventing the ruin of the workman actually employed in such business: but these are objects entirely distinct.

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of its extent. All which can be alleged is that, once established, it will become great and lucrative, but what it wants, is to be established. What then is done for its establishment? measures are taken which can only operate after it is established. When the trade is established, it will have such great success that it will yield, for example, fifty per cent. profit; but, to establish it, it requires such large advances, that it is doubtful if those who possess capital will make them, on account of the risks which are almost always inseparable from every new undertaking. What course does the government pursue? does it give capital? no, this would be foolish. Does it lend capital? no, this would be to run too great risk; it will give a bounty upon the article when it shall have been made: till then, it says, we shall give no money. Thus, to the fifty per cent. you will gain by your merchandize, we will add a bounty of ten per cent —very well: and, according to this reasoning, at what time will you refuse assistance? You refuse so long as the bestowment of it will be useful, you grant it in order that something may be done, and you do not give it till it is already done by means independent of you.

Mistrust, shortsightedness, a suspicious disposition, and a confused head, are very susceptible of union. Why are bounties preferred to advance capital? they are afraid of being deceived in the latter case. If 10,000*l.* are given at once, nothing may perhaps be done: to avoid this risk they give, when the thing is done, 10,000*l.* per annum, which they will never receive again.

Instead of being beneficial, the expense to the state becomes more burthensome in proportion as the trade becomes extended. The bounty instituted for one reason, is continued on an opposite

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account: at first it was given in order to obtain, in the end it is continued for fear of losing, the particular branch of trade. What would have been necessary for its establishment was a trifle, what must be paid for its continuance, knows no bounds.

The capital bestowed upon a new branch of industry for an experiment, is always comparatively a small sum; but what is given as a bounty is always, or at least it is always hoped that it will be, a large one: for unless a large quantity of the merchandise is manufactured and sold, and consequently unless a large bounty is paid for its production and sale, the object is considered as unaccomplished: it is considered that the bounty has not answered its end.

When the article is one which would not have been manufactured without the bounty, all that is paid is lost; but if it be one of those which, even without the bounty, the manufacturers would have found it their interest to produce, only a portion of the bounty is lost. As it makes an addition, and that a very sensible addition to the ordinary profit of the trade, it attracts a great number of individuals towards this particular enterprise: by their competition, the article is sold at the lowest rate, and the diminution of price is in proportion to the bounty itself (allowance being made for the necessary expenses of soliciting and receiving it). In this state of things it would appear, at first sight, that the bounty does neither good nor harm: the public gains by the reduction of price as much as it loses by the tax, which is the effective cause of this reduction.

This would be true, if the individuals who paid the tax in the one case were the same who profited by the bounty in the other, if the measure of this profit were exactly the measure of their contribu-

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tion, if they received the one at the same time that they paid the other, and if all the labour lost in these operations had not cost anything. But all these suppositions are contrary to fact. There are not two taxes which affect all the members of the state: there is not one which affects them all equally. The tax is paid a long time before the indemnification, by the reduction of price, is received, and the expenses of this useless circulation are always considerable.

After all that can be said, it is clear that a bounty upon production cannot, in the long run, produce an increased abundance of the article in question, whatsoever may be the diminution of price which may result from it. The profit which the producer will obtain is not greater than before: the only difference is, that it comes to him from another hand. It is not individuals who give it him in a direct manner, it is the government. Without the bounty, those who pay for the article are those who enjoy it: with the bounty, they only pay directly a part of the price; the rest is paid by the public in general; that is to say, more or less, by those who derive no advantages from it.*

Although a bounty upon production adds nothing to the abundance of any article of general consumption, it diminishes the price to the buyer. Suppose that, in Scotland, there were a bounty upon the production of oats, and that the bounty were paid by a tax upon beer brewed from this grain, oats would not be more abundant than before; but they would be sold at a less price to the buyer (though the merchant would make the

* Adam Smith has made a mistake in saying, that a bounty upon production was a means of abundance, on which account it was better than a bounty on exportation.

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same profit), whilst the beer brewed with this grain would be proportionally dearer: the consumer of oats would not find himself richer than before, but for the same price he would have a greater quantity of this grain in the form of food, and less in the shape of drink.

I speak here of relative abundance, in proportion to the ordinary consumption; I speak of superfluity compared with habitual wants. The lower this commodity is in price, compared with others, the greater will be the demand for it. More will be produced in consequence of the increased demand, but more will not be produced than is demanded. The commodity, as it respects abundance, will remain upon the same footing as before. If a superfluity is required, if a quantity be required exceeding what is commonly produced, other measures must be resorted to than a bounty on production.

If a bounty upon production could be justified, it would seem that it ought to be so in the case where the article thus favoured was an article of general consumption—as, corn in England, oats in Scotland, potatoes in Ireland, and rice in India; but it would only appear so as a means of producing equality, and not under *any other* point of view. In fact, this measure does not tend to produce abundance—what it does, is to take the money out of the pockets of the rich to put it into the pockets of the poor. A commodity of general consumption is always the most necessary of all the articles of life: it is always that of which the poor make the greatest use. The richer a man is, the more he consumes of other commodities beside this universal commodity. Suppose, then, a bounty upon the production of oats in Scotland; if nothing is consumed there but oats,

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or if there is only a tax upon oats, the persons who reap the advantage of the bounty would be those who bear the burthen of the tax, and that in the same proportion, inasmuch as the expense of levying the tax would be the only result of this measure. But commodities of all kinds are consumed in Scotland, and taxes are there levied upon a great variety of commodities. Oats, the commodity of the poor, being the object not of a tax but a bounty, and the articles consumed by the rich being the object not of a bounty but of a tax, from the produce of which the bounty upon the production of oats is paid, the result will be, that the poor will obtain the commodity of which they make the greatest use at a lower price.

I agree to this; but does it follow that their condition will be bettered? Not at all. Oats will be sold to the poor at a lower price, but they will have less money wherewith to buy them. All the means of subsistence in this class resolve themselves into the wages of labour; but the wages of labour necessarily depend upon the degree of opulence which a country possesses; that is, upon the quantity of capital applicable to the purchase of labour in connection with the number of those whose labour is for sale. The low price resulting from the bounty will produce no advantage to the labourers, whilst the wealth of the country remains the same: if the commodity be lowered in price, they will be less paid; or, what comes to the same thing, as they work for a ration of oats, they will be obliged to give more labour for this ration if oats are at a lower price.

All that relates to this mode of encouragement may be summed up in a few words.

The natural course of things gives a bounty upon the application of industry to the most

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advantageous branches, a bounty of which the division will always be made in the most equitable manner. If artificial bounties take the same course as the natural, they are superfluous; if they take a different course, they are injurious.

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CHAPTER VIII.

EXEMPTIONS FROM TAXES ON PRODUCTION.

An exemption from a tax capable of being imposed upon any article in the hands of the maker or seller, is a modification of a bounty upon production; it is a disguised bounty.

This kind of negative favour may be extended to every species of tax upon trade. The methods of encouragement in this way are as numerous as those of discouragement. If, of two rival manufactures, the one is weighed down by a tax, and the other free, that which is taxed is, in respect of that which is not, in the same situation as if both were free from taxes, and a bounty were bestowed upon one.

But each manufacture is a rival to every other; if this rivalry is not *special*, it is at least *general* and indirect. For what reason?—because the power of purchasing is limited, as to every individual, by his fortune and his credit. Every article which is for sale, and which he can desire, is in a state of competition with every other; the more he expends for the one, the less can he spend for the others.

Exemption from taxes upon production cannot be blamed absolutely; for it is to be wished, if the thing were possible, that there were no taxes. But, relatively, any particular exemption may be blamed, when the article exempted has nothing which justifies this particular exemption. If it were equally fit for taxation, the favour granted to it is an injury to other productions.

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That an object fit for taxation be exempt, is an evil. It renders necessary some other tax, which by the supposition is less proper, or it allows some injurious tax to remain.

Whilst, as to advantage, there is none. If more of this untaxed merchandise is produced, less is produced of that which is taxed.

The evil of an unjust tax is all the difference between a more or less eligible tax, and the worst of those which exist.

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CHAPTER IX.

BOUNTIES ON EXPORTATION.

In the case of *Bounties upon Exportation*, the error is not so palpable as in that of *Bounties upon Production*, but the evil is greater. In both cases, the money is equally lost: the difference is in the persons who receive it. What you pay for production, is received by your countrymen; what you pay for exportation, you bestow upon strangers. It is an ingenious scheme for inducing a foreign nation to receive tribute from you without being aware of it; a little like that of the Irishman who passed his light guinea, by cleverly slipping it between two halfpence.

As a bounty upon production may sustain a disadvantageous trade, which would cease without it, by forming its sole profit, it is also possible that it may for a short time increase the profit of an advantageous trade, which would support itself without this aid.

Does the bounty support a disadvantageous trade? It does not produce a farthing of profit more than would have existed without it. Left to itself, this trade would have ceased and made way for a better; and the community loses the profits of a capital better employed in lucrative undertakings.

Does the bounty support an advantageous trade? The evil, in the end, will be greater, because the extra profit drawing more rivals into this career, their competition will reduce the price so low, that

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the bounty will constitute at last the whole profit of this trade.

However, till the price is thus reduced, the bounty is a net gain for the first undertakers; and, the consumers being our fellow-countrymen, a part of this ill-employed money turns to their advantage by the low price of the commodity.

But in the case of a bounty upon exportation, the nation which pays it never receives any advantage: everything is lost, as if it were thrown into the sea, or at least as if it had been given to foreigners.

Without this bounty, the article would have been exported, or it would not. It would have been exported, if foreigners were willing to pay a price which would cover the expense of the manufacturing, of exporting, and the ordinary profit of trade. It would not have been exported, if they did not offer a sufficient price. In the first case, they would have obtained the article by paying its worth; in the second case, this disadvantageous commerce would not have been carried on.

Suppose a bounty upon exportation, what are its effects? The foreigners who heretofore had found the article too dear, become disposed to purchase it: why? Because you pay them to induce them to do so. The more government gives to the exporter, the less need the foreigner give. But it is clear that he will not pay more than the lowest price which will satisfy the exporter: he need not give more; since, if one merchant refuses to supply him at this price, another will be quite ready to do it.

Suppose an article of our manufacture, already purchased by foreign nations without a bounty upon its exportation, what will happen if a bounty

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is given? Solely the lowering of its price to the foreigners. A bounty of one penny for every pound in weight is given upon an article which sells for five pence per pound; the manufacturer would not have found it worth while to have sold it for less than five pence per pound; he will now, however, find the same profit in selling it for four pence, because his own government makes up the difference. He will sell at four pence, because, if he do not, some other will; and, because, in this case, instead of selling for five pence, it may happen that he will not sell at all. Thus the whole which government gives is a net saving to the foreigners: the effect in the way of encouragement is nothing. The whole which is exported with the bounty is neither more nor less than would be without it.*

Though a bounty does not render such a branch of trade *more* flourishing than it would otherwise have been, it will not render it *less* flourishing; but the more flourishing it becomes, the greater will be the loss to the nation.

Disadvantageous branches of trade are often spoken of. People are uneasy; they fear that certain manufactures, left to themselves, will be unprofitable. It arises from error: it is not possible that any branch of trade, left to itself, can be disadvantageous to a nation: it may become so by the interference of government, by bounties, and other favours of the same nature. It is not to the merchant himself that it can become disadvantageous; for the moment he perceives there is nothing to be gained, he will not persevere in it; but to the nation in general it may become so,—to the na-

* The same effect is produced when it is endeavoured to favour the importation of corn, for example, by giving a bounty to the first importers. Its effect is to increase the price in foreign countries.

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tion, in its quality of contributor; and the amount of the bounty is the exact amount of the loss.

The Irishman who passed his light guinea was very cunning; but there have been French and English more cunning than he, who have taken care not to be imposed upon by his trick. When a cunning individual perceives you have gained some point with him, his imagination mechanically begins to endeavour to get the advantage of you, without examining whether he would not do better were he to leave you alone. Do you appear to believe that the matter in question is advantageous to you—he is convinced by this circumstance that it is proportionally disadvantageous to him, and that the safest line of conduct for him to adopt, is to be guided by your judgment. Well acquainted with this disposition of the human mind, an Englishman laid a wager, and placed himself upon the Pont-neuf, the most public thoroughfare in Paris, offering to the passengers a crown of six francs for a piece of twelve sous. During half a day he only sold two or three.

Since individuals in general are such dupes to their self-mistrust, is it strange that governments, having to manage interests which they so little understand, and of which they are so jealous, should have fallen into the same errors? A government, believing itself clever, has given a bounty upon the exportation of an article, in order to force the sale of it among a foreign nation; what does this other nation in consequence? Alarmed at the sight of this danger, it takes all possible methods for its prevention. When it has ventured to prohibit the article, everything is done. It has refused the six franc pieces for twelve sous. When it has not dared to prohibit it, it has balanced this bounty by a counter bounty upon some article that it ex-

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ports. Not daring to refuse the crowns of six francs for twelve sous, it has cleverly slipped some little diamond between the two pieces of money, and thus the cheat is cheated.

A strife of this nature, painted in its true colours, and stripped of the eclât which dazzles by the magnitude of the object and the dignity of the agents, appears too absurd to be possible; but for one example among a thousand, we may refer to what has happened between England and Ireland respecting the trade in linens.

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CHAPTER X.

PROHIBITION OF RIVAL PRODUCTIONS.

THIS pretended mode of encouragement can never be productive of good; but it may produce evil: *hurtful* or *useless*, such is the alternative.

1. I say *useless*. It is a particular privilege of this exercise of power, to be employed in certain cases without doing any harm; and these cases occur when the branch of production or trade which is prohibited would not have been introduced, even had there been no prohibition. In former times, it was declared felony in England to import *pollards* and *crocards*, a kind of base coin at that time. This prohibition is yet in existence, without producing any inconvenience. If, with the intention of encouraging the increase of poultry, or with any other similarly patriotic view, the importation and increase of phœnixes were prohibited, it is clear that the trade in poultry would neither gain nor lose much.

Among all the species of manufacture which England, with so much anxiety, has prohibited to her colonies, there are many which, in comparison with agriculture, are no more suitable to the Americans than the breeding of phœnixes, the cultivation of pine-apples in their fields, or the manufacture of stuffs from spiders' webs.

Were the articles of foreign manufacture, loaded with the expenses of importation, neither better in quality nor lower in price than the articles of home manufacture, they would not be imported; the prohibition exists in the nature of things.

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2. *Hurtful.* By the prohibition of a rival manufacture, you wish to insure the success of a favoured manufacture, and you at once create all the mischiefs of a monopoly. You enable the monopolists to sell at a higher rate, and you diminish the number of enjoyments; you grant them the singular privilege of manufacturing inferior articles, or of ceasing to improve them; you weaken the principle of emulation, which exists only when there is competition; in short, you favour the enriching of a small number of individuals at the expense of all those who would have enjoyed the benefit; you give to a few bad manufacturers an excessive degree of wealth, instead of supplying the wants of ten thousand good ones; you also wound the feelings of the people, by the idea of injustice and violence attached to the partiality of this measure.

Prohibitions of foreign manufactures are most frequently applied to those objects which foreigners can supply less expensively, on account of some peculiar advantage arising from their soil or their industry. By such prohibitions, you refuse to participate in this natural advantage which they enjoy; you prefer what costs you more capital and labour; you employ your workmen and your capital at a loss, rather than receive from the hands of a rival what he offers you of a better quality or at a lower price. If you hope, by this means, to support a trade which would otherwise cease, it may be supported it is true; but, left to itself, capital would only leave this channel where its disadvantages are unavoidable, to enter upon others where it would be employed with greater advantage. The greatest of all errors is to suppose, that by prohibitions, whether of foreign or domestic manufactures, more trade can be obtained.

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The quantity of capital, the efficient cause of all increase, remaining the same, all the increase thus given to a favoured commerce is so much taken from other branches.

The collateral evils of this prohibitory system ought not to be forgotten. It is a source of expense, of vexation, and of crimes.

The expense most evidently lost, is that of the custom-house officers, the inspectors, and other individuals employed; but the greatest loss is that of labour, both of the unproductive labour of the smuggler and of those who are, or who appear to be, employed in the prevention of smuggling.

To destroy foreign commerce, it is only necessary to sell everything and to purchase nothing: such is the folly which has been passed off as the depth of political wisdom among statesmen.

Among the transactions between nation and nation, men have consented, at great expense, to support disadvantageous manufactures, that they may not buy of their rivals. We do not see such monstrous extravagance on the part of individuals. If a merchant were to act thus, we should say he was hastening to ruin; but his interest guides him much better. It is only public functionaries who are capable of this mistake, and they only when they are acting on account of others.

Covetousness desires to possess more than it can hold. Malevolence likes better to punish itself than to allow a benefit to an adversary.

To have its eyes greater than its belly, is a proverb which nurses apply to children, and which always applies to nations. An individual corrects this fault by experience. The politician, when once affected by it, never corrects himself.

When a child refuses physic, mothers and nurses sometimes induce it to take it by threatening to

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give it to the dog or the cat. How many statesmen, children badly educated, persist in supporting a commerce by which they lose, that they may avoid the mortification of allowing a rival nation to carry it on.

The statesman who believes he can infinitely extend commerce without perceiving that it is limited by the amount of capital, is the child whose eyes are larger than his belly.

The statesman who strives to retain a disadvantageous commerce, because he fears another nation will gain it, is the child who swallows the bitter pill for fear it should be given to the dog or the cat.

These are not noble comparisons, but they are just ones; when errors cover themselves with an imposing mask, one is tempted to set them in a light which will show them to be ridiculous.

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CHAPTER XI.

FIXATION OF PRICES.

The limitation of the price of commodities may have two opposite objects: 1. The rendering them dearer: 2. The rendering them cheaper.

The first of these objects is least natural: so many commodities, so many means of enjoyment: to put them within the reach of the largest number, is to contribute to the general happiness. This motive, however, is not unexampled, and intoxicating liquors are an instance of its exercise. Legislators have often endeavoured, and not without reason, to increase their price, with the design of limiting their consumption on account of their dearness. But imposing a tax upon them suffices to increase their price; there is no necessity for resorting to the method of direct limitation.

Is the design of these limitations the obtaining of the article at a low rate—the method will scarcely answer its end. Before the existence of the law, the article was sold at what may be called its average or *natural price*, that is to say, it was confined within certain limits: 1. by the competition between the buyers and the sellers: 2. by a competition between the branch of trade in question, and that of other branches to which the merchant might find it to his advantage to transfer his capital.

Does the law endeavour to fix the price at a lower rate than this *average* or *natural price*—it may obtain a transient success, but by little

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and little this branch of trade will be abandoned. If the constraint is increased, the evil will grow worse, the constraint in fact can only act upon the existing stock; this being sold at a forced price, the merchant will take care not to replace it. What can the law effect? Can it oblige him to replenish his storehouse with the same commodities? No legislator has ever attempted it, or at least no one has ever attempted it with success. This would be to convert the officers of justice into commercial agents, it would be to give them a right to dispose of the capitals of the merchants, and to employ the merchants themselves as their clerks.

The most common fixation has been that of the rate of interest. It will form the subject of another chapter.

The fixation of the price of wages (especially with regard to agriculture) has often been proposed, and even carried into effect, for the most opposite reasons: to prevent what is considered as an *excess;* to remedy what has been regarded as a *deficiency*.

In this latter point of view, this measure is liable to great objection. To fix the *minimum* of wages, is to exclude from labour many workmen who would otherwise have been employed; it is to aggravate the distress you wish to relieve. In fact, all that can be done, is limited to determining that, if they are employed they shall not receive less than the price fixed: it is useless to enact that they shall be employed. Which is the farmer, where is the manufacturer, who will submit to employ labourers who cost them more than they yield? In a word, a regulation which fixes the *minimum* of wages, is a regulation of a prohibitory nature, which excludes from the com-

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petition all whose labour is not worth the price fixed.

The fixation of the rate of wages, in order to prevent their *excess*, is a favour conferred on the rich at the expense of the poor; on the master at the expense of the workman. It is a violation, with regard to the weakest class, of the principles of security and property.

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CHAPTER XII.

TAXES—EFFECTS ON PRODUCTION.

TAXES ought to have no other end than the production of revenue, with as light a burthen as possible.* When it is attempted to employ them as indirect means of encouragement or discouragement for any particular species of industry, government, as we have already seen, only succeeds in deranging the natural course of trade, and in giving it a less advantageous direction.

The effects of particular taxes may appear very complicated and difficult to trace. By considering the subject in a general point of view, and distinguishing the *permanent* from the *temporary* effects of taxes, this complexity will be disentangled and the difficulty disappear.

First question: *What are the effects of a tax imposed by a foreign nation upon the articles of our manufacture?*

Permanent consequences:—1. If the exportation is not diminished, the tax makes no difference with respect to us: it is only paid by the consumers in the state which imposes the tax.

2. If the exportation is diminished, the capital which was employed in this branch of manufacture withdraws itself and passes into others.

* This principle may admit some exceptions, but they are very rare; for example, a tax may be imposed upon intoxicating liquors, with the design of diminishing their consumption by increasing their price.

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Temporary consequences:—This diminution of exportation occasions a proportional distress among the individuals interested in this species of industry. The workmen lose their occupations; they are obliged to undertake labours to which they are unaccustomed, and which yield them less. As to the master manufacturer, a part of his fixed capital is rendered useless; he loses his profits in proportion as the manufacture is reduced.

Second question: *What are the effects of a tax, imposed by ourselves, upon the manufactures we ourselves consume?*

Permanent consequences:—1. If the consumption is not diminished, no other difference is produced than the disadvantage of the tax to the consumer, and a proportional advantage for the public.

2. If the consumption is diminished, individuals are deprived of that portion of happiness which consisted in the use of this particular article of enjoyment.

3. Capital, in this as in the preceding case, retires from this branch and passes into others.

Temporary consequences:—If the consumption is not diminished, the tax makes no difference: if it is diminished, similar distress, in proportion as in the case above.

Third question: *What are the consequences of a tax, imposed by ourselves, upon the manufactures of our own country consumed by foreigners?*

Permanent consequences:—1. Whilst the consumption is not diminished, the operation produces so much clear gain for us. The burthen of the tax is borne by the foreigner, and the profit is reaped by ourselves.

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If the consumption is diminished, the capital which loses this employment passes into others.

Temporary consequences:—Consumption not diminished, no difference to us: consumption diminished, similar distress in proportion, as in the former cases.

It results from hence, that the *permanent* effects of these taxes are always of little importance as to commerce in general; and that their temporary effects are evil in proportion to the diminution of the consumption. The evil is greater or less, according as it is more or less easy to transfer capital and labour from one branch of industry to another.

The least hurtful of these taxes are those which bear upon our own productions consumed by foreigners. If the same quantity is exported after the tax as before, so far from being prejudicial, it yields us a clear benefit: it is a tribute levied upon them precisely as if it were raised out of the bowels of the earth.

The tax imposed by us upon foreign importations is paid by ourselves, and burthensome as any other tax would be to the same amount. If the consumption is not diminished, it would be better that the tax upon this article should be imposed by us, that we might profit by it, rather than the country which produced it, and which would otherwise enjoy the benefit.

A nation, which has a natural monopoly of an article necessary to foreigners, has a natural means of taxing them for its own profit. Let us take *tin* for an example: England is the only country which has mines of this metal, at least all others are too inconsiderable to satisfy the demand. England might, therefore, lay a considerable tax upon the

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exportation of tin, without danger of smuggling, because it might be levied at the mine, or at the foundry. France could not impose an equal tax, because it would give too great an allurement to the smugglers.

These principles are easy of application to commercial treaties: everything which is permanent, whether it be called encouragement or discouragement, has but little effect upon trade and commerce in general; since trade and commerce are always governed by the capital which can be employed on them. But international precautions may be taken for the prevention of rapid changes, from which temporary distresses result. Let every nation make a sacrifice by refusing to impose taxes, or to augment them, upon articles of its own exportation: every nation would then receive indemnification by a reciprocal sacrifice. Commerce would thus acquire stability; and that petty fiscal warfare would no longer be carried on, which produces a dangerous irritation among the people, always greatly disproportioned to the importance of the object.

The object of the first chapter of the Commercial Code ought to be to show the reciprocity of international interests, to prove that there is no impropriety, during the continuance of peace, in favouring the opulence of foreigners; no merit in opposing it.

It may happen to be a misfortune that our neighbour is rich; it is certainly one that he be poor. If he be rich, we may have reason to fear him; if he be poor, he has little or nothing to sell to, or to buy of, us.

But that he should become an object of dread, by reason of an increase in riches, it is necessary

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that this prosperity should be his alone. He will have no advantage, if our wealth has made the same progress as his own, or if this progress has taken place in other nations equally well disposed with ourselves to repress him.

Jealousies against rich nations are only founded upon mistakes and misunderstandings: it is with these nations that the most profitable commerce is carried on; it is from these that the returns are the most abundant, the most rapid, and the most certain.

Great capitals produce the greatest division of labour, the most perfect machines, the most active competition among the merchants, the most extended credits, and, consequently, the lowest price. Each nation, in receiving from the richest everything which it furnishes, at the lowest rate, and of the best quality, would be able to devote its capital exclusively to the most advantageous branches of industry.

Wherefore do governments give so marked a preference to export trade?

1. It is this branch which exhibits itself with the greatest show and eclat: it is this which is most under the eyes of the governors; and which therefore most strongly excites their attention.

2. This commerce more particularly appears to them as their work: they imagine they are creators; and inaction appears to them a species of impotence.

All these pretensions fall before the principle, that *production is subordinate to capital.* These new branches of trade, these remote establishments, these costly encouragements, produce no new creations; it is only a new employment of a part of one and the same capital which was

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not idle before. It is a new service, which is performed at the expense of the old. The sap which by this operation is strained through a new branch, being diverted from another, gives a different product, but not an increase of produce.

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CHAPTER XIII.

POPULATION FORCED—INCREASE DESIRABLE?

MANY volumes have been written upon the subject of population, because the means of promoting its increase have generally been the subject of examination. I shall be very short upon this subject, because I shall confine myself to shewing that all these means are useless.

If anything could prevent men from marrying, it would be the trouble which is pretended to be taken to induce them to marry. So much uneasiness upon the part of the legislator can only inspire doubts respecting the happiness of this state. Pleasures are made objects of dread when converted into obligations.

Would you encourage population? render men happy, and trust to nature. But that you may render men happy, do not govern them too much. Do not constrain them even in their domestic arrangements, and above all, in that which can please only under the auspices of liberty. In a word, leave them to live as they like, under the single condition of not injuring one another.

Population is in proportion to the means of subsistence and wants. Montesquieu, Condillac, Sir James Stewart, Adam Smith, the economists, have only one opinion upon this subject.* Ac-

* The name of Mr. Malthus, who will for the future occupy the post of honour in political economy upon the subject of population, is not mentioned here, because this work was many years anterior to his. This chapter, with many other fragments, was communicated to the authors of the *Bibliotheque*

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cording to this principle, there is also a means of increasing population, but there is only one: it consists in increasing the national wealth, or, to speak more correctly, in allowing it to increase.

Young women, says Montesquieu, *are sufficiently ready to marry*. How should they not be? The pleasures, the avowed sentiments of love, are only permitted in this condition: it is thus only tha they are emancipated from a double subjection, and that they are placed at the head of a little empire. *It is the young men*, he adds, *who need to be encouraged*.

But why? Do the motives which lead men to marry want force? It is only by marriage that a man can obtain the favours of the woman who, in in his eyes, is worth all others. It is only by marriage that he can live freely and publicly with an honest and respectable woman, and who will live only for him. There is nothing more delightful than the hope of a family, where proofs of the tenderest affections may be given and received; where power blended with kindness may be exercised; where confidence and security are found; where the consolations of old age may be treasured up; where we may behold ourselves replaced by other selves. Where we may say, I shall not en-

Britannique, published at Geneva, and was inserted in the 7th vol., in 1798. If Mr. Malthus had known it, he might have cited it as an additional proof, that his principle relating to population was not a new paradox. But what was new, was to make a rational and connected application of it; to deduce from it the solution of so many historical problems; to survey Europe with this principle in his hand; and to prove that it cannot be resisted without producing great confusion in social order; and this is what Mr. Malthus has accomplished, in a manner as conclusive as respects his arguments, as interesting in respect of his style and his details.—*Note by* DUMONT.

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tirely die. A man wants an associate, a confidant, a counsellor, a steward, a mistress, a nurse, a companion for all seasons. All these may be found united in a wife. What substitute can be provided?

It is not among the poor that there is any aversion to marriage; that is to say, it is not among the labourers; that class, in the increase of which, alone, the public is interested; that class which constitutes the strength and creates the wealth of a nation; that class which is the last in the senseless vocabulary of pride, but which the enlightened politician regards as the first.

It is in the country, especially, that men seek to marry. A bachelor does not there possess the resources he can find in a town. A husbandman, a farmer, require the assistance of a wife, to attend to their concerns at all hours of the day.

The population of the productive classes is limited only by their real wants; that of the unproductive classes is limited by their conventional wants.

With regard to these, instead of inducing them to marry by invitations, rewards and menaces, as did Augustus, we ought to be well pleased when they live in celibacy. The increase of the purely consumptive classes is neither an advantage to the state nor to themselves. Their welfare is exactly in the inverse ratio of their numbers. If they should insensibly become extinct, as in Holland, where there is scarcely one citizen who does not exercise some occupation, where would be the evil? A workman may in a moment be converted into an idle consumer. A good workman is not so soon made: he needs skill and practice; habits of industry are slowly acquired, if indeed, after a certain age, they can ever be acquired. On the

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other hand, when a consumer passes into the class of labourers, it is generally owing to a reverse in fortune, and he is in a state of suffering. When a labourer is transported into the class of consumers, he is exalted in his own eyes and in the eyes of others, and his happiness is increased. On all these accounts, it is desirable that the class of idlers be not increased: their own interest requires it, and it is also a great good when their number is diminished, whether by celibacy or their conversion into labourers.* Convents have been con-

* The author is consistent, and Montesquieu appears to me not to be so. Book xxiii. ch. x. he has well explained the true principle, but he has not followed it.

His elogium upon the regulations of Augustus respecting marriage, is extremely singular. They have pleased Montesquieu by some vague idea of the protection of manners. They violate every principle of reward and punishment; they are neither analogous or proportional; they punish a man because he is unhappy or prudent, they reward him because he is happy or imprudent; they corrupt marriage by mercenary and political views; and, after all, the object aimed at is missed. Montesquieu acknowledges the impotence of these laws. The benefit of the remedy being null, there remains only the evil.

He blames Louis XIV. (ch. xxvii.) for not having sufficiently encouraged marriage, by only rewarding prodigies of fecundity.

Louis XIV. did too much by his establishments for the poor nobility, and he has been too frequently imitated. Humanity was the motive of these foundations; but this humanity was equally productive of evil as it respected those who bore the expense, and as it respected the class whom it was intended to relieve, and who were not relieved. On the contrary, the more the indigent of this order were assisted, the more they increased. In fact, every individual requires a certain quantity of wealth to be in a state to marry. Does he marry imprudently, his distress is without doubt an evil; but it operates as a warning to other persons of the same class. If you oppose this natural effect, if you institute foundations for families, if you grant pensions or other favours on account of marriage, what follows? It is no longer an establishment submitted to calculation, it is a lottery, in which hope is con-

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stantly accused of hurting population. Poor convents, and the mendicant orders, injure it, without doubt, since they add to the number of idle consumers. It is not so with rich convents; they add nothing to this number. He who possesses the rent of land can command labour without working himself; but what matters it whether a fund, destined to the support of idlers, be transmitted from father to son, or from stranger to stranger?

Large cities are decried: they are the gulphs, it is said, in which the population of the country is lost. That which is furnished to the towns is visible to all the world; what is received from them, is less apparent. It is the ancient quarrel of the Belly and the Members. Cultivation increases in proportion to the consumers. People live longer in the country; but that a greater number of persons may be born there, it is necessary that the capital of the towns, which animates labour, should be sent thither.

This imaginary evil, the increase of towns, has excited the most extravagant fears. Absurdity has been carried so far, as to make rules for limiting their bounds: they should rather have been made for extending them. They would thus have

sulted rather than prudence: many venture, but few succeed. You intended to give support, and you have laid a snare. What you did in order to diminish the evil, has only served to make it worse. In pity to these unfortunate persons, they ought not to be encouraged to marry. When they no longer are deceived by hope, they will no longer be unhappy.

In England there is neither restriction nor encouragement, and there is no dread lest the stock of nobility should fail; there is no dread lest celibacy should be hurtful to population. The shameful and sad misfortune is not known there of the existence of a class of persons set apart to idleness and poverty. —*Note by* DUMONT.

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prevented contagious disorders; they would have rendered the air more salubrious. The opposite regulations do not diminish the number of inhabitants, but oblige them to heap themselves up within close habitations, and to build one city upon another.

Are emigrations disadvantageous to a state? Yes, if the emigrants could have found employment at home: No, if they could not. But it is not natural that labourers should exile themselves, if they could live at home. However, if they desire so to do, ought they to be prevented? Cases must be distinguished. It is possible that this desire may have been produced by some momentary distaste, by some false idea, some whim, which may mislead a multitude of men before they have leisure to undeceive themselves. I will not therefore affirm, that circumstances may not happen in which emigration may not be forbidden by a law of short duration; but to convert this prohibition into a perpetual law, is to change the country into a prison; is to publish, in the name even of the government itself, that it is not good to live there. It would be proper that such a law should commence thus—"We, &c., ignorant of the art of rendering our subjects happy, and well assured that, if we give them an opportunity to escape, they will go in search of countries less oppressed, hereby prohibit," &c.

Would not this be to aggravate the evil? Could all the frontiers of a great country be guarded? Louis XIV., with all his authority, could he accomplish it? As many persons as were thus enchained, so many discontented and unhappy persons, who would be looked upon with distrust, whom it would be necessary perhaps to repress by violence, and who would become enemies

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when they found themselves treated as such. Others, who had never thought of quitting their country, would become uneasy when they found themselves obliged to remain; whilst others, who might have thought of establishing themselves there, would take care not to do it. For those individuals retained against their will, you lose those who would have come among you voluntarily.

England has sustained temporary losses of men and capital by emigrations to America; but what has happened? she has received from that country a mass of productions which have more than compensated the loss. The men and capitals carried away, employed upon new lands, have produced a benefit more considerable for England itself, than if they had been employed upon her own. To exhibit this clearly, would require a multitude of facts and calculations; but it may be presumed to be the case, from the vast extent of this new commerce.

On the subject of emigration, the wisest part then is to do nothing. Under the guidance of liberty, the benefit is certain; under the guidance of constraint, it is uncertain.

After this, the advantages of emigration are easily estimated. In order to people a country as yet untilled, it will be advisable to invite thither strangers who depend upon their labour alone. It may even be advantageous to make them advances for their support, in order to establish them.

In respect to methods of preventing the destruction of the species, they belong to that branch of police which is employed about the means of subsistence and the public health. We may be tranquil, therefore, upon the subject of population. There will be everywhere an abundance of men,

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provided they are not deprived, by a hard and tyrannical government, of what is necessary for subsistence and enjoyment, of which contentment constitutes a part.*

* I have under my eyes a large political work of M. Beausobre, counsellor to the King of Prussia, in which, at the article *Population*, he gives no less than twenty recipes for increasing it. The nineteenth is as follows:—"It is proper to watch during the fruit season, lest the people eat that which is not ripe." He ought to have provided the means for carrying this regulation into execution; to have indicated the number of inspectors who should judge of the ripeness of fruit, the watchmen who should be stationed over it, and the magistrates who were to judge of its infractions.

Another method consists in "hindering men from marrying very disagreeable women." He neither says to what judge he would remit this delicate inquiry, nor upon what principles he would have the ugliness of women proved; nor the degree of inquiry which ought to be permitted, nor the fees that ought to be paid. The remainder is very nearly in the same taste.

Hindering the marriage of old men with young women, that of young men with women much older than themselves; hindering the marriage of persons not likely to have children: there are other recipes of this political pharmacopœia little less ridiculous, but not less useless.

His complaints respecting prostitution are reasonable, if they had for their object the misery of the class of courtesans, victims of a constrained celibacy. They are of no force as respects population, which suffers nothing. I refer to what has been said upon this subject in *Les Traités de Législation*, tom. ii. partie 4. (Ed. 1820); "Des moyens indirects pour prévenir les Delits, ch. 5: Faire en sorte qu'un desir donne se satisfaire sans préjudice, ou avec le moindre préjudice possible."

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CHAPTER XIV.

COLONIES DESIRABLE?

When an excess of population, in relation to territory, exists or is foreseen, colonization is a very proper measure. As a means of increasing the general wealth of a country, or of increasing the revenue of the mother country, it is a very improper measure. All the common ideas upon this subject are founded in illusions.

That colonies add to the general wealth of the world, is what cannot be doubted; for if labour is necessary to production, land is no less so. The soil also of many colonies, independently of what it annually produces, is rich in raw materials, which only require that they should be extracted and carried away, to give them value. But this wealth belongs to the colonists, to those who occupy the land, and not to the mother country.

When first established, colonies are not in a condition to pay taxes; in the end they will not pay them. In order to establish them, to protect them, to keep them in dependance, expense is required; and all these expenses must be discharged by taxes levied upon the mother country.

Colonization requires an immediate expense, an actual loss of wealth, for a future profit, for a contingent gain. The capital which is carried away for the improvement of the land in the colonies, had it been employed in the mother country would have added to its increasing wealth, as well as to its population, and to the means of its defence;

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whilst, as to the produce of the colonies, only a small part ever reaches the mother country.

If colonization is a folly when employed as a means of enrichment, it is at least an agreeable folly. New enjoyments, insomuch as enjoyments depend upon the novelty and variety of objects, result from it. The substitution of sugar for honey; of tea, coffee, and chocolate, for the beer and meat which composed the breakfast of maids of honour in the reign of Elizabeth; of the indigo which varies our dyes; the cochineal which furnishes the most brilliant scarlet; the mahogany which ornaments our apartments; the vessels of gold and silver which decorate our tables, are all sources of enjoyment, and the pleasure which results from these objects of luxury is, in part, the profit of colonization; whilst the medicinal and nutritive plants which have been received from the colonies, in particular bark and potatoes, are possessed of much superior utility.

Novelty and variety, in respect of means of enjoyment, add nothing to the quantity of wealth, which remains as it was, if the old productions are supplanted by the new ones. It is thus also with new fruits, new flowers, new colours, new clothes, new furniture, if the new supplant the old. But as novelty and variety are sources of pleasure, in proportion as they are increased, wealth increases also, if not in quantity, at least in value. And if these new wants are incentives to new labour, a positive increase of real wealth results from them.

These advantages, such as they are, can only be derived from a colony situated in a climate whose productions cannot be naturalized in the mother country; whilst as to the mines of Mexico and Potosi, their effect has been to add to the quantity

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of vessels composed of the precious metals and to the quantity of coin. The addition to the vessels increases the amount of real wealth; the addition to the coin has all been lost: the new mass of gold and silver has had no other effect than to depreciate the old, and to diminish in the same proportion the value of all pecuniary revenues, without adding to the amount of real capital or future wealth.

However, in taking all interests into the calculation, it is certain that the welfare of mankind has been increased by the establishment of colonies. There can be no doubt on this subject, in respect to the nations who by degrees have become established there, and who owe their existence to colonization; the mother countries also have themselves gained in happiness in another point of view. Let us take England, for example. According to the progress which population has made during the last century, it may be supposed that it would soon have attained its extreme limits, that is to say, that it would have exceeded the ordinary means of subsistence, if the superabundance had not found means of discharging itself in these new countries. But, a long time before population has reached these limits, there will be a great diminution of relative opulence, a painful feeling of general poverty and distress, a superabundance of men in all the laborious classes, and a mischievous rivalry in offering their labour at the lowest price.

For the benefit of mankind at large, it is desirable that the offsets which are to be employed as new plants, should be taken from the most healthy stocks and the most flourishing roots; that the people who go forth to colonize unoccupied lands, should go forth from the nation whose political constitution is most favourable to the security of individuals; that the new colonies should be

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swarms from the most industrious hive; and that their education should have formed them to those habits of frugality and labour which are necessary to make transplanted families succeed.

It may often be advantageous for colonies to remain a long time under the government of the mother country, provided always that such government be what it ought to be.

It would, without doubt, have been advantageous to Egypt to have remained under the government of Great Britain; a government which would have bestowed upon it peace, security, the fine arts, and the enjoyment of the magnificent gifts which nature has lavished upon it. But, in respect to wealth, the possession of Egypt, far from being advantageous to England, would have proved only a burthen.

I hear a universal cry raised against this paradox. So many profound politicians, divided upon every other point, are unanimous upon the importance of colonies,—are they only agreed, that they may fall into an error? So many merchants,—have they deceived themselves in so simple a calculation as that of the profit or loss of colonial commerce? The experience of two or three centuries,—has it not opened the eyes of governments? would it not be extraordinary that they should still obstinately sustain the enormous weight of these distant establishments, if their advantages were not clear and manifest?

I might reply, that a long train of alchymists, after all the misfortunes of their predecessors, long continued obstinately to seek after the philosopher's stone, and that this great work yet has its partisans. I might reply, that many nations in the East have, during many ages, been governed by astrology. I might enumerate a long list of errors

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which have misled both governments and people. But a question of this nature ought not to be obscured by declamation. He who alleges the number of partisans by which a system is supported instead of supporting it by proofs, desires to intimidate and not to convince his adversary. Let us examine all the arguments by which the advantages of colonies, in respect of wealth, have been endeavoured to be proved: we shall not find a single one which is not in opposition to the most firmly established principles of political economy.

I. *The wealth of the colonies is poured into the mother country; it is brought thither by commerce, it consequently animates manufactures, and they support the large towns: the prosperity of Bordeaux, for example, is one proof; its wealth depends upon its trade with the West Indies.*

This reasoning proves nothing in favour of a system of colonies; there is no necessity for governing or possessing any island in order that we may sell merchandise there. The inhabitants of the Antilles stand in need of the productions of England and France. Were they independent states, it would still be necessary that they should buy them: during their state of dependance what can they do more? They will not give their sugars to the mother country; they exchange them for corn and cloth. Those who supply these commodities, if they had not sold them to these parties, would have sold them to others. Suppose that the inhabitants of St. Domingo, in place of buying their corn in France, were to buy it in England; France would lose nothing, because, on the whole, the consumption of corn would not be less: England having supplied St. Domingo, would not be able to supply other countries, which would be obliged to supply themselves from France.

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Trade is in proportion to capital. This is the principle; the total amount of trade in each country is always in proportion to the capital which each country possesses. I am a merchant; I have a capital of 10,000*l.* employed in commerce;—suppose Spanish America were opened to me, could I, with my 10,000*l.*, carry on a greater trade than I do at present? Suppose the West Indies were shut against me, would my 10,000*l.* become useless in my hands? should I not be able to apply them to some other foreign trade, or to make them useful in the interior of the country, or to employ them in some enterprise of domestic agriculture? It is thus capital always preserves its value. The trade to which it gives birth may change its form or its direction, may flow in different channels, may be directed upon one manufacture or another, upon foreign or domestic undertakings; but the final result is, that these productive capitals always produce; and they produce the same quantity, the same value, or at least the difference does not deserve attention.

It is therefore the *quantity of capital* which determines the quantity of trade, and not *the extent of the market*, as has been generally believed. Open a new market, the quantity of trade will not, unless by some accidental circumstance, be increased. Shut up an old market, the quantity of trade will not be diminished, unless by accident, and only for a moment.

Should the new market be more advantageous than the old ones, in this case the profit will be greater, the trade may become more extended; but the existence of this extra profit is always supposed but never proved.*

* Bryan Edwards, in his History of the West Indies, even

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The mistake consists in representing all the profit of a new trade, as so much added to the amount of national profit, without considering that the same capital employed in any other branch of trade would not have been unproductive. People suppose themselves to have *created*, when they have only *transferred*. A minister pompously boasts of certain new acquisitions, certain establishments upon far distant shores, and if the adventures which have been made have yielded a million profit, for example, he does not fail to believe that he has opened a new source of national wealth; he supposes that this million profit would not have existed without him, whilst he may have occasioned a loss: he will have done so, if the capital employed in this new trade has only yielded ten per cent. and that employed in the ordinary trade, has yielded twelve.

The answer to this first objection may be reduced to two points. 1. That the possession of colonies is not necessary to the carrying on of trade with them. 2. That even when trade is not carried on with the colonies, the capital which such trade would have required, will be applied as productively to other undertakings.

II. The advocates of the colonial system would consider the above answer extremely weak; they

in exaggerating the utility of colonies, does not suppose the rate of profit upon capitals employed in the plantations greater than seven per cent., whilst it is fifteen per cent. upon capital employed in the mother country.*

* This fifteen per cent. was taken from one of the finance pamphlets of Treasury Secretary Rose. Some years before, to a question put by me to the late Sir Francis Baring, the answer was, six per cent. This meant, of course, over and above interest, then at five per cent.—*Communicated by the Author.*

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see in this commerce two circumstances which render it more advantageous than that which is carried on with free nations.

"*We established,*" say they, "*a double monopoly against the colonist; first, the monopoly of their productions, which we permit them to sell to us alone, and which we thus obtain from them at the lowest price. Secondly, the monopoly of their purchases, which we oblige them to make among ourselves, so that we are able to sell our produce and manufactures to them, at a dearer rate than we could to a free people, among whom, other nations would enter into competition with us.*"

Let us examine the effect of these two monopolies separately.

1. You prevent your colonies from selling their productions to any but yourselves; but you cannot oblige them to cultivate their lands, or to manufacture at a loss. There is a natural price for every commodity, determined by the average rate of profit in commerce in general. If the cultivator connot obtain this natural price, he will not continue to cultivate; he will apply his capital to other undertakings. The monopoly may produce a *forced reduction* of price *for a time;* but the colonist will not continue to cultivate sugar, if he lose by its cultivation instead of gaining. It is therefore impossible for this monopoly to produce a *constant reduction* of the price of commodities below their natural price; whilst free competition is sufficient to reduce them and keep them at this natural price. The high price which you wish to remedy by the monopoly is an evil which will cure itself. Large profits in any one branch of trade will draw thither a large number of competitors: all merchants are rivals, and their rivalry

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naturally produces a reduction of price, till the rate of profit in each particular branch of trade is upon a level with all others.

2. You may oblige your colonist to buy every thing of you, but the advantage you expect to derive from this exclusive commerce is deceptive.

If it respect commodities and manufactures, which, owing to a natural superiority, you are enabled to furnish of better quality and at a lower price than foreigners, it is clear that, without monopoly, your colonists would rather buy them of you than of others. The monopoly will not enable you to sell them at a higher price; your merchants, being all in a state of competition with each other, naturally seek to support each other by offering their goods at the lowest price possible.

While as to the productions and other articles which you are not able to furnish them upon terms equally favourable with foreigners, it is certain that, without the monopoly, your colonists will not buy them of you. Ought we to conclude, that the monopoly will be advantageous to you? Not in the least. The nation in general will gain nothing. It will only follow, that a species of industry will be cultivated among you, which does not naturally suit you; that bad commodities will be produced, and bad manufactures carried on.

The monopoly is similar to a reward bestowed by government, for the maintenance of manufactures inferior to those of other nations. If this monopoly did not exist, the same capital would be applied to other species of industry in which you have a decided advantage. Instead of losing by this arrangement, you will gain a more stable prosperity; since the manufactures, which cannot be maintained but by forced means, are exposed to a

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thousand vicissitudes. Observe further, that this monopoly is burthened with a *counter monopoly*. It is not permitted to you to purchase productions similar to those of your colonies, when you find them elsewhere at a lower price. In compensation for the restraint you impose upon your colonies, you impose one upon yourselves. If they can buy only of you, you can buy only of them. How many inconveniences result from this! When the harvest has been deficient in your colonies, you are not able to supply yourselves from those places where the season has been more favourable; in the midst of abundance you are suffering from dearth. The monopoly has no effect in lowering the price of commodities; but the counter monopoly is certain occasionally to produce extraordinarily high prices.

III. The partisans of the colonial system consider colonies under another point of view—the advantage they produce to the revenue. *The taxes levied upon the commerce of the colonies, whether upon importation or upon exportation, produce a revenue which would cease, or be much diminished, if they were independent.*

The taxes levied upon the commerce with the colonies may produce a considerable amount; but if they were free, would they carry on no commerce? Could not this commerce be taxed? Could it not be taxed as heavily as smuggling would permit? England levies taxes upon its commerce with France; France levies taxes upon its commerce with England. The possession of colonies is not necessary to the levying of taxes upon the commerce carried on with them.

I do not repeat here, that your taxes upon the articles of their production, and upon those of your importation from the colonies, are taxes of

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which you pay every farthing yourself: this has already been demonstrated. What you make the colonies to pay, are only the taxes upon your exportations to them.

I allow that you may thus gain more from your colonies than you would be able to gain from foreign nations; since the foreigners can quit your market when they please, if they cannot obtain among you certain articles so cheap as from others;—you are therefore obliged to humour them. But your own subjects, obliged to supply themselves from you, are obliged to submit; you keep them in a prison, and you can put what price you please upon their existence.

An advantage, however, of this nature can only be deceptive. When you have made a prison of your colonies, it is necessary to keep all the doors carefully shut: you have to strive against the Proteus of smuggling; fleets are necessary to blockade their ports, armies to restrain a discontented people, courts of justice to punish the refractory. How enormous are the expenses to be deducted, before this forced commerce will yield a net revenue!

To the amount of the expenses of peace, add that of a single armament, of a single war, and you will perceive, that dependant colonies cost much to the mother country, and never yield an equal return; that, far from contributing to the strength of a state, they are always its weak and vulnerable points; that they keep up among maritime nations continual jealousy, and that thus the people in France, and in England, are subjected to heavy taxes, which have no other effect than to render the productions of the colonies dearer than if they were free.

To these considerations, opposed to the colonial

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system, drawn from political economy, many others may be added, derived from justice and humanity. This system is often mischievous to the people submitted to it; government is almost always, as it respects them, in a state either of jealousy or indifference: they are either neglected or pillaged; they are made places of banishment for the reception of the vilest part of society, or places to be pillaged by minions and favourites, whom it is considered desirable suddenly to enrich. The sovereign, at two thousand leagues distance from his subjects, can be acquainted neither with their wants, their interests, their manners, nor their character. Their most legitimate and weighty complaints, weakened by reason of distance, stripped of everything which might excite sensibility, of everything which might soften or subdue the pride of power, are delivered, without defence, into the cabinet of the prince, to the most insidious interpretations, to the most unfaithful representations: the colonists are still too happy, if their demand of justice is not construed into a crime, and if their most moderate remonstrances are not punished as acts of rebellion. In a word, little is cared for their affection, nothing is feared for their resentment, and their despair is contemned. The most violent procedures are easily disguised, under an appearance of necessity, and the best intentions will not always suffice to prevent the sacrifice of the public to private interests.

If we proceed to consider the situation of colonies in detail, we shall not fail to be struck with its disadvantages. Have the colonists any lawsuits in their mother country—their witnesses must cross the seas; they are at the mercy of their agents; years glide away, and the expenses of justice continually accumulate. Is there danger

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of a revolt—Are they threatened by an enemy—succours arrive when the mischief is done. The remedy oftentimes proves an additional calamity. Do they want food—famine has laid waste the country, before the mother country has been apprised of their necessities.

These are not mere assertions; they are borne out by a faithful summary of the history of every colony. It is tragical, even to horror! The evils suffered in these establishments, from the ignorance, the weakness, or the insensibility of European governments, exceed everything which can be imagined. When we consider the multitude of men destroyed, the fleets lost, the treasures swallowed up, the establishments pillaged, we are astonished to hear colonies spoken of as a means of enrichment. The natural development of their fruitfulness, and of their industry, has been retarded for ages; they have been covered a thousand times with ruins; nations have impoverished themselves, that they might hold them in servitude, when they might have been sharers in their wealth by leaving to them the enjoyment of the benefits of liberty.

There are many arguments which prove the inutility of their dependance: North America presents a striking fact which ought to enlighten Europe. Has the trade of England diminished since her former subjects became free? Since she lost these immense possessions, has she exhibited any symptoms of decay? Has she had fewer sailors? Has her maritime power been weakened? She has found a new source of wealth in the independence of the United States. The emancipation of this great country has carried thither a greater number of men, more capital, and more industry. Great Britain, relieved from the expense of defence and government, has car-

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ried on a more advantageous commerce with a more numerous and wealthy people; and it is thus that everything concurs in proving, that the prosperity of a nation is a benefit in which all others participate—every one in proportion to his means; and that the colonial system is hurtful to Europeans, only because it is hurtful to the colonies.

Let us, however, see the consequences which we ought to draw from these data.

1. Ought we not to form any colonial establishment? Certainly not with the intention of enriching the mother country: it is always a certain expense for a contingent and far distant profit. But we have seen that, as a means of relieving the population, of preventing its excess, by providing a vent for those who find themselves overburthened upon their native soil, colonization offers an advantageous resource; and when it is well conducted, and free from any regulations which may hinder its prosperity, there may result from it a new people, with whom we shall possess all the connections of language, of social habits, of natural and political ties.

2. Ought colonies already possessed to be emancipated? Yes, certainly; if we only consider the saving of the expenses of their government, and the superior advantages of a free commerce. But it is necessary to examine what is due to colonial establishments; to a family which has been created, and which ought not to be abandoned. Can they maintain themselves? Will not their internal tranquillity be interrupted? Will not one class of the inhabitants be sacrificed to another—for example, the free men to the slaves, or the slaves to the free men? Is it not necessary that they should be protected and directed, in their condition of comparative weakness and ignorance? Is not their present state of dependance their safeguard

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against anarchy, murder, and pillage? Such are the points of view under which this question ought to be considered.

When we shall have ceased to consider colonies with the greedy eyes of fiscality, the greater number of these inconveniences will cease of themselves. Let governments lay aside all false mercantile notions, and all jealousy of their subjects, and everything which renders their yoke burthensome will fall at once: there will no longer be any reason to fear hostile dispositions, and wars for independence. If wisdom alone were listened to, the ordinary object of contention would be reversed, the mother country would desire to see her children powerful, that they might become free, and the colonies would fear the loss of that tutelary authority which gave them internal tranquillity, and security against external foes.

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CHAPTER XV.

WEALTH—MEANS OF INCREASE.

If we trace the progress of wealth in its natural channel, we shall clearly perceive that the interposition of government is only beneficial and necessary when employed in the maintenance of security, in the removal of obstacles, or the dissemination of knowledge.

Wealth may be increased—

I. By increasing the efficacy of labour.

II. By increasing the number of labourers.

III. By the more advantageous employment of capital.

IV. By increasing the mass of capital.

V. By means of trade.

I. *By increasing the efficacy of labour.*

This subject might furnish most interesting and instructive historic details; we shall confine ourselves to a simple enumeration of the means whereby it may be accomplished.

The efficacy of labour may be augmented—

1. By increase of skill and dexterity.

2. By saving the time occupied by superfluous movements.

3. By the invention of machines.

4. By employing, instead of human labour, more powerful and less costly prime movers, as water, air, fire, explosive powders, and beasts of burthen.

The two first advantages are obtained by the division of labour: the third necessarily results from it. Adam Smith has developed this grand means of attaining perfection with an attention,

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and, so to speak, a particular affection. He relates, that the process of converting a morsel of brass wire into a pin requires eighteen operations, and employs as many different workmen, of whom the greater part borrow the assistance of machines; whereby, although ten workmen would not separately have been able to make more than 240 pins a day, they are enabled to make 4800. It is hence that this little branch of national wealth, which affords a more commodious adjustment than the buckles of the Romans, and the skewers employed by Queen Elizabeth, has increased in proportion. What our country people throw away would have been luxuries in the court of Darius.

5. By the simplification of intermediate processes.

6. By the saving of materials. The extension given to the quantity of gold employed in gilding silver wire, is an example equally suited to astonish the natural philosopher, and to charm the political economist.

Chemistry has introduced a multitude of economical processes into all the arts; it has taught the means of economically applying fuel; of producing great effect with little expense, it has substituted less costly for more expensive materials; it has imitated, and even rivalled, the productions of nature.

7. By the improvement of the products, that is to say, in proportion to the price. It is thus that porcelain has supplanted the coarse pottery of former times: the potteries of Wedgwood and Bentley have excelled the porcelain of China.

8. By the diminution of the expense of carriage, by the multiplication of roads, canals and iron railways. The advantages which the low countries have derived from their canals is incalculable. Govern-

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ments may often usefully interfere in respect to these objects, either by advancing the capitals and sharing in the benefit, or by granting to the individuals interested the powers necessary for making arrangements among themselves, and defraying the expense. When however it is necessary for a government to take charge of these works, it is a proof that confidence does not exist; I mean confidence in the stability of the actual order of things, and in the protection of the laws. No other circumstance speaks so highly in praise of the British government, as the disposition of individuals to unite in carrying on great undertakings in canals, docks, ports, &c.; a disposition to undertake such works denotes the prevalence of a feeling of security, which unites the future to the present, and embraces an horizon of large extent.

The advantage of machines consists in the increased efficacy of labour. To reduce the number of men employed upon any species of labour by half, without diminishing the quantity of the product, is in fact the same thing as doubling the number of men employed, with the same degree of efficacy as before. That which required two thousand men for its performance, being performed by one thousand, there remains one thousand men who may be employed either upon similar or other works.

But this supposes that the workmen, no longer required in the production of a given quantity of labour, are otherwise employed; for if they were without employment, the quantity of wealth produced would remain the same after the invention, as before.

If a manufacturer found himself thus in a condition to execute, with one thousand workmen, what had heretofore required two thousand, it

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appears, at first sight, that the natural result would be, that he would employ the two thousand workmen to produce a double quantity of work. But unless his pecuniary capital be augmented, it will be impossible for him to employ the same number. The new machines, the new warehouses required for this increase of produce, require a proportionate increase of capital. The most ordinary case, therefore, will be the reduction of the number of workmen; and, as it respects them, the consequence is a temporary distress.

It is upon this circumstance, that the popular opposition to the improvement of machines depends; it is a very reasonable opposition on the part of the handicraftsmen. It is they who suffer, whilst the benefit is, in the first instance, for the manufacturer, and in perpetuity for the public, who obtain a better article at a less price.

There are two kinds of countries where this objection has no force—countries badly peopled, and countries where the people are slaves. Do you desire an increase of population—Do you desire children, who may become workmen in future—I give you full grown men; workmen actually prepared. You would charge yourself with the expense of their education; I relieve you of it. You are willing to receive foreigners, and I give you natives. Such is the language an inventor may address to a sovereign; whilst to the individual proprietor, he may say,—With one hundred slaves you are now able to raise a certain quantity from your mines; with fifty you will, in future, be able to raise the same quantity. If it were necessary to support the others in idleness, where would be the evil?

In stationary or retrograde countries, where the dismissed workman cannot easily find a new em-

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ployment to which to apply himself, where there exists no capital ready to furnish him an employment that suits him, this objection would not be without force. It is however a transient evil, to which transient remedies ought to be applied.

II. *By the increase of the number of labourers.*

I have nothing further to add upon this subject to what has been said in the chapter on population; but I shall point out those things which, in an indirect manner, tend to produce this effect.

1. By the banishment of all prejudices unfavourable to labour. Honour has tied the hands of some; religion of others. Some have been kept in a state of perpetual idleness, others in a state of periodical idleness. In some Catholic countries, the Saints' days occupy more than one hundred working days. The loss of these days alone ought not only to be considered, but also the bad habits which this idleness encourages. They have not worked upon the Saint's day; they do not work on the day following, because they were intoxicated the day past.

2. The amount of labour may be increased by giving productive employments to those classes of men who, owing to their station in life, produce nothing,—to prisoners, beggars, monks, and soldiers. It has been pretended that, to make a good soldier, an individual ought to follow no other trade; an exception ought at least to be made in favour of those kinds of labour which may be useful in war, as the digging of ditches, the construction of bridges, the throwing up of embankments, and the formation and repair of roads.* These employ-

* It is said, that the success of the American armies was partly owing to their skill in these employments. Composed almost

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ments afford an inexhaustible means of increasing the most permanent part of the capital of a nation.

3. Substitute alluring for coercive motives: reward for punishment. With suitable precautions, abolish all services in kind, all forced labour and slavery. A country peopled with serfs will be always poor. Pay for labour in money, and the reward, mingling drop after drop with the labour, will sweeten its bitterness. Every free labourer is worth two slaves. This reflection is often presented in this work, but it is so just and favourable to humanity, that it cannot be too often repeated; we ought not to be afraid to repeat it.

III. *The more advantageous employment of capital.*

We have already seen that, under the guidance of individual interest, capital of itself takes the most advantageous direction, at least certainly more advantageous than when under the guidance of government.

Of all employments of capital, the most advantageous for the state, is the cultivation of the earth. It is, at the same time, as has been demonstrated by Adam Smith, the most beneficial in itself, and the most attached to the state. Most advantageous: the capitalist must find it nearly as advantageous as any other, since, unless this be the case, he will not engage in it; and this, after he has deducted the rent he pays to the landlord, and which often amounts to a third of the produce. It is thus that the state gains by this employment more than

entirely of husbandmen, they excavated ditches and formed entrenchments and other works connected with camps, with a facility which astonished their adversaries. The Russian armies possess the same advantage in a still higher degree.

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it can possibly gain by any other. More attached to the state: the workman may carry away his industry, the money-lender his capital, the merchant may change his warehouses, but the farmer cannot carry away the land.

For the encouragement of this most advantageous employment of capital, what ought government to do? Nothing: that is to say, nothing in the way of positive encouragement; for it cannot too completely remove the clogs and obstacles to the free alienation of landed property,* or too greatly favour the conversion of goods held in common into individual property.†

The condition most favourable to the prosperity of agriculture exists when there are no entails, no unalienable endowments, no common lands, no right of redemption, no tithes, or taxes or dues which punish industry, and levy a contribution upon agriculture, increasing in proportion to the expenses incurred, and the greater care paid to cultivation.

Generally speaking, the great landed proprietors give themselves little care about the improvement of their domains. Some leave large tracts of country, sufficient for the maintenance of hundreds of families, in a state of nature, that they may enjoy the pleasures of the chase; others, prodigal in proportion to their wealth, expend every thing in present enjoyments, and trouble themselves but little with the future. Where the system of leases and farms is upon a good footing, the evil is not great; but it is altogether otherwise when the administration is in the hands of a super-

* Upon this subject, see *Traités de Legislation*, tom. i. p. 275 (Ed. 1820).

† Ibid. tom. i. p. 305 (Ed. 1820).

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intendent, still less interested than his masters in the increase of the rent. Were large properties divided into three or four parts, the proprietors would be animated with an entirely different spirit. The spur of necessity would render them intelligent and industrious. A nobleman would employ twenty gardeners in raising pine apples and taking care of bowling greens. Five manufacturers would employ twenty husbandmen in producing corn for themselves and a hundred workmen. But let it not be supposed that I recommend agrarian laws and forced divisions: this would be to cut off an arm, in order to avoid a scratch.

In the scale of public utility, so far as it depends upon the general wealth, after agriculture come those manufactures whose products are sold within the country; after these, the manufactures whose products are exported; and in the last place, the carrying trade. Adam Smith has demonstrated this. Thus much for theory; it does not follow that in practice it would be proper to favour a branch of industry higher in the scale, at the expense of one which is placed below it. They all exercise a reciprocal influence upon one another, and benefits are divided among them with sufficient equality. If for a moment one branch becomes more advantageous than the others, a greater number of adventurers are soon drawn towards this side, and the equilibrium is not long in re-establishing itself. If any species of industry is more constantly useful to a nation, it is because the benefit more certainly remains; because the wealth which it produces is more secure.

IV. *By increasing the mass of capital.*

The mass of capital is increased, when the products of labour exceed the amount of products consumed.

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The addition made to the wealth of a nation in one year, is the total amount of the savings of all the individuals composing that nation in that year. It is the difference between the values produced or imported, and the values destroyed or exported in the course of the same year.

The addition made to the pecuniary wealth of a community is, in the same manner, the difference between the sum produced or imported, and the sum destroyed or exported in the period in question.

In the case of an individual, increase of money is increase of wealth. If his fortune consist to-day of one thousand guineas, and he has two thousand to-morrow, he will be twice as rich as he was the day before: he can command twice the quantity of the products of all kinds of labour.

The case is not the same with a nation. If its coin be to-day 1,000,000*l.* sterling, and to-morrow it were to be 2,000,000*l.* its wealth would not be doubled as was that of the individual. As it respects its internal condition, the nation would not be richer than before. Instead of having at its command a double quantity of productions, it would only have the same.

It is true that, in exporting to other nations this suddenly acquired mass, the community in question would obtain an addition to the mass of its non-pecuniary wealth; but in proportion as this exchange is made, the case which we have supposed does not continue the same. It ceases to possess the additional million of coin.

This apparent contradiction between the two cases is easily removed. When an individual finds the quantity of coin which he possesses suddenly doubled, the value of the coin is not dimi-

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nished by this addition: the community to which he belongs does not possess more than before, supposing that the amount has not been received from abroad. The proportion between the amount of coin and the things to be sold remains exactly the same.

The value of all the things sold in the course of a year is equal in value to the sum of the coin given in exchange for them: that is, to the value of the actual quantity of the coin multiplied by the number of times it has been exchanged. Each of these masses is equal in value to the other; since, by the supposition, the one has been exchanged for the other.

This equality exists, whatever may be the difference in quantity between these two masses. When the million of coin, circulating three times during the year, has purchased the whole mass of goods which were to be sold, it has given to all its successive possessors the enjoyment of this mass. When, taking the same course, the two millions of coin have produced the same effects, they have only performed what the single million had performed before, since, by the supposition, the mass of goods has not been increased. In other terms, that is to say, the new mass of coin is swallowed up in the general mass of coin, and as much as it has increased its quantity so much has it diminished its value.

The addition made to the coin of the community, produces a proportional increase in the price of all vendible commodities, in the pecuniary price of all commodities not pecuniary; and consequently it may be in the price of every article, it may be in that of the greater number of articles.

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If an addition made to the coin of a community, is employed in creating a portion of wealth not pecuniary, which would not have been created without it, if it produces by labour or exchange an increase of real wealth, the result is no longer the same. In proportion as the real wealth is increased, the addition made to the coin ceases to produce a diminution of relative value.

In order to simplify the case and render it more striking, I have supposed a large and sudden addition. It is very seldom that an addition of this nature takes place with respect to the precious metals; but it has often happened with respect to paper money.

Thus the increase of the price of commodities, all other things remaining the same, is a proof of an addition to the coin and a measure of its quantity.

This defalcation of value is equivalent to an indirect tax upon pecuniary revenues; a tax which may continually increase in amount; a tax which benefits those who issue the paper money, and of which the weight presses entirely upon the possessors of fixed revenues. There is a compensation for this tax to producers and merchants, who may raise the price of their commodities to all those who have part of this new money; but those, whose fortune consists in a pecuniary revenue which cannot be increased, bear all the burthen.*

When this diminution of revenue takes place

* It is not without distrust that I here give this feeble extract, from a manuscript work of Mr. Bentham's, *On Prices* and upon the causes which *increase Prices*. It embraces so great a number of questions, that it is not possible to give a correct outline of the whole in so short an abridgment.

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gradually, although it is an evil, this evil may result from the general prosperity, and may be compensated by a greater benefit. Losses which occur in the ordinary course of affairs, are experienced and hardly felt; they may be provided against. But when the government itself interferes by operations, whose effects are as great as they are sudden, in order to give a sudden increase to the mass of pecuniary capital, whether metallic or otherwise, it confounds all the calculations of prudence, it ruins one part of its subjects, and its imaginary wealth becomes the instrument of its destruction. This is what was experienced in France under the system of Law, and again under the reign of the assignâts.

V. *By means of trade.*

Some advantage results from every exchange, provided it be made intentionally and without fraud, otherwise such exchange would not be made; there would be no reason for making it. Under this point of view, the two contracting parties receive an equal benefit, each one of them surrenders what suits him less, that he may acquire what suits him more. In each transaction of this kind there are two masses of new enjoyments.

But though all trade is advantageous, a particular branch may be more advantageous to one of the parties than to the other. It is more advantageous to you than it is to me, if for an article which only costs you one day's labour, you obtain from me an article which has cost me two. The *real balance* of trade is the quantity of labour received exceeding the quantity of labour given in exchange.

It is not necessary in this place to examine to

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what degree, soil, climate, situation, natural circumstances, &c. may give this advantage to one state over another; since this knowledge can have scarcely any influence upon practice. It is of greater importance to observe, that it may in a certain degree be acquired by art, and that the superiority of workmanship or of instruments is a species of monopoly established by fortune in favour of genius. Time is saved by ingenuity. The greater the number of new inventions in a country, whose productions are carried into foreign lands, the more favourable will the real balance of commerce be to that country. The advantages belonging to dexterity are more permanent than those resulting from knowledge. The discoveries of chemistry are speedily disseminated. The skill of the Bengalese workmen will remain peculiar to them for ages.

The great politicians who so much value foreign commerce, consider it as a means of obtaining a balance in gold, and they hasten to interfere to prevent those exchanges which require an expenditure of the precious metals. If a merchant wish to send coin from London to Paris, it is to make a payment which will cost him less in this manner than any other, or that he may obtain some kind of merchandise which he values more than the coin. The politician is more clever than this. He is not willing that this gain should be made, because, he thinks, thus to gain would be to lose. Preventing the profits of every one is the method he has discovered of preventing loss to all. He has therefore been employed in heaping one law upon another, that he may prevent the exportation of the precious metals: success would be a great misfortune, but it has never been obtained.

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Want of success in diminishing the evil has only increased the folly. I say in diminishing the evil, for it never entirely disappears. There will, for example, always be a greater or less expense on the part of the government in endeavouring to execute the law; more or less vexation, more or less restraint, a larger or smaller number of individuals punished for having rendered service to the country (by the breach of the law.) People will be accustomed to elude the prohibitions, and to escape the vigilance of government. Money being more or less lowered in value, the price of manufactures will be raised in proportion, and the exportation of manufactures diminished. Such has been the folly exhibited in Spain and Portugal; yet are they too happy only to have half succeeded. Grant to Midas his wish, he will die of hunger upon a heap of gold.

In recommending freedom of trade, I suppose the minds of merchants in their sound, that is, their ordinary state. But there have been times when they have acted as though they were delirious; such were the periods of the Mississippi scheme in France, and the South Sea scheme in England. The other classes of people would have had ground for seeking to divert their fellow citizens from the purchase of the smoke sold by *Law*, or of the *bubbles* of the South Sea. What is here said, may be compared with the observations, in the preceding chapter, upon emigration. In laying down general rules, fortuitous and transient cases ought not to be forgotten.

What has been said respecting the precious metals is true respecting every article of trade and commerce, considered as general wealth. There cannot be any incompatibility between the wealth

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of each and the wealth of all. But the same rule does not apply to *subsistence* and *defence*. Individuals may find their individual profit in commercial operations which may be opposed to the subsistence of all, or the defence of all. This particularly may happen to a small community in the neighbourhood of a large one. Establish an unlimited freedom of trade in the small community, the great one may ruin it by means of gold. In case of famine, it might purchase all its provisions; at the approach of war, it might purchase all its arms.

The conduct to be pursued, to insure the possession of the means of subsistence and defence, are infinitely diversified by the situation, the soil, the climate, and the extent of the country to which it may refer.

The great difficulty to be overcome as it respects subsistence, is the difference between good and bad harvests. If the produce is less than the consumption, the evil is evident; if it is greater, the abundance lessens the price, the farmer is ruined or discouraged, and the year of plenty may be followed by one of dearth. For the production of equality, some have established public granaries for storing up the superabundance of years of plenty; others have encouraged cultivation as much as possible, depending upon foreigners for drawing off the excess. Were we to judge from abstract reasoning alone, the first plan would appear best calculated to prevent accidents; but, forming our judgments from facts, the second appears least subject to abuse. It is from the adoption of this plan that England has enjoyed an abundance sufficiently regular. Freedom of trade, therefore, appears the best method for

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insuring an abundance of the means of subsistence.

In respect to subsistence and defence, there is no better security than that which results from the general prosperity. A superabundance is the best security against want.*

After the examination we have given to the different methods by which real wealth may be increased, we see that government may rely upon the *intelligence* and *inclination* of individuals for putting them in operation, and that nothing is necessary to be done on its part but to leave them in possession of *the power*, to insure to them *the right* of enjoyment, and to hasten the development of general knowledge. All that it can do with success may be ranged under this small number of heads:—

1. To encourage the study of different branches of natural philosophy. The difficulties of science form a barrier between practice and theory, between the artisan and the philosopher.

2. To institute prizes for discoveries and experiments.

3. To cause the processes employed in every branch of trade to be published. The French government, rising above little jealousies, has distinguished itself in this manner, and has rendered itself a benefactor to the human race.

4. To cause everything of the same nature in foreign countries to be observed with attention, and to give the knowledge they obtain the same publicity.

5. To cause the price of different articles of

* See *Traités de Legislation.* "Des lois relativement à la subsistance et à l'abondance."

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trade to be published. The price of an article is an extra reward for whoever can manufacture or furnish it at a cheaper rate.

6. To grant patents for a limited number of years.

7. To class with the crime of forgery the injustice done by the artisan who puts upon his own productions the mark of another. In order to prevent the commission of this crime through ignorance, it would be necessary to establish a register, in which every artisan might make an entry of his mark. This would tend to secure the privilege which nature has established in favour of skill, and which the legislator ought to maintain. It can never be obtained without labour, and it can never be abused.

With respect to a great number of inventions in the arts, an exclusive privilege is absolutely necessary, in order that what is sown may be reaped. In new inventions, protection against imitators is not less necessary than in established manufactures protection against thieves. He who has no hope that he shall reap will not take the trouble to sow. But that which one man has invented, all the world can imitate. Without the assistance of the laws, the inventor would almost always be driven out of the market by his rival, who, finding himself without any expense in possession of a discovery which has cost the inventor much time and expense, would be able to deprive him of all his *deserved* advantages, by selling at a lower price. An exclusive privilege is of all rewards the best proportioned, the most natural, and the least burthensome. It produces an infinite effect, and it costs nothing. "Grant me fifteen years," says the inventor, "that I may reap the fruit of my labours; after this term, it shall be enjoyed by

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all the world." Does the sovereign say "No, you shall not have it," what will happen? It will be enjoyed by no one, neither for fifteen years nor afterwards: everybody will be disappointed; inventors, workmen, consumers, everything will be stifled, both benefit and enjoyment.

Exclusive patents in favour of inventions have been long established in England; an abuse, however, has crept into the system of granting them, which tends to destroy the advantage derivable from them. This privilege, which ought to be gratuitous, has afforded an opportunity for plundering inventors, which the duration of the custom has converted into a right. It is a real conspiracy against the increase of national wealth.

We may picture to ourselves a poor and timid inventor, after years consumed in labour and uncertainty, presenting himself at the Patent Office to receive the privilege which he has heard that the law bestows upon him. Immediately, the great officers of the crown pounce upon him together, as vultures upon their prey: a solicitor-general, who levies four guineas upon him; a keeper of the privy seal, four guineas and a half; a keeper of another seal, four guineas; a secretary of state, sixteen guineas; the lord chancellor, who closes the procession, as the first in dignity, so also the first in rapacity, he cannot take less than twenty-six guineas. Need it be added, that in carrying on this process of extortion, recourse is had to fraud; that the individual applying for a patent is referred from office to office, that different pretexts may be afforded for pillage; that not one of these officers, great or small, takes the trouble to read a single word of the farago of

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nonsense which they sign, and therefore that the whole parade of consultation is only a farce.*

Suppose a law, granting the patent as at present, without condition. Suppose another law, prohibiting the obtaining of a patent under a penalty of fifty guineas. What exclamations should we not hear against such contradictory laws and such folly! And yet this supposed folly is only half as great as the folly actually displayed. People always allow themselves to be duped by words. The law, or rather the customary abuse which has the force of law, instead of a permission, is, as it respects the greater number of inventors, a real, although masked prohibition. If you wish to strip off this mask, translate the language of each into the language of the other.

These insults and oppressions have sometimes been approved as tending to repress the *temerity* of projectors; in the same manner taxes upon law proceedings have been applauded as tending to repress the *temerity* of suitors. As if *poverty* were synonymous with *temerity;* as if the rich only had need of the assistance of the laws, or that they only were worthy of it; as if, indeed, this reason for only half opening the doors of the temple of Justice were not equally conclusive for closing them altogether!

* It is scarcely necessary to remark that, in blaming the abuse, no reproach is intended to be cast upon the individuals, who, finding it established, profit by it. These fees form as lawful a portion of their emoluments as any other. It is, however, to be desired, that in order to put a stop to this insult and oppression, an indemnification were granted at the public expense equal to the average value of these fees. If it be proper to levy a tax upon patents, it ought, instead of being levied in advance upon capital, to be postponed till the patent has produced some benefit.

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CHAPTER XVI.

RATES OF INTEREST—EVILS OF FIXATION.

If it be reasonable for legislators to encourage inventive industry by factitious rewards, it is much more reasonable that they should not oppose obstacles to the productiveness of natural rewards.

The natural reward of inventions, when carried into effect, is the profit to be derived from them in the way of trade. But all trade requires capital. If the inventor has it of his own, it is well; if not, he must seek it from others: many circumstances, however, conspire to hinder his obtaining it.

Does he endeavour to borrow it, upon what conditions can he hope to find a lender? Upon the ordinary conditions, it is naturally impossible that he should find one. A new undertaking cannot fail of being hazardous, if it were only because it is new. It is therefore necessary to grant to the lender an advantage proportionate to the apparent degree of risk. There are two methods of granting this advantage. The English laws proscribe them both. One method consists in granting interest at a rate superior to the ordinary rate: but this is prohibited by the laws fixing the rate of interest. This prohibition is partly inefficacious, and partly pernicious; that it was altogether useless would be its greatest elogium.*

* For the proof of these positions, the reader is referred to Mr. Bentham's "Defence of Usury, showing the Impolicy of the legal Restraints upon Pecuniary Bargains." Inconsistency

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The second method consists in granting a variable interest, proportioned to the profits of the undertaking.*

In France, there is one branch of commerce at least in which it is possible to limit the portion of property that one is willing to risk. It is in the business of banking. The sum employed in this manner is said to be *en commandite*. If this liberty is useful in this branch of commerce, why should it not be equally so in every other; and especially in newly-discovered branches, which have so many natural obstacles to overcome, which it is needless to increase by legal interference? This liberty, under certain restrictions for the prevention of monopolies from the unrestrained accumulation of capital, has been established in Ireland. When will England have the wisdom to imitate this example?

An inventor therefore in want of funds can only apply to a tradesman, or merchant, to enter into partnership with him; but persons engaged in business are those who have the least portion of disposable capital; and, as they are enabled to make their own terms, inventive industry is often stifled or oppressed.

Were it lawful for every one to engage in commercial undertakings for a limited amount, how

is the natural companion of laws dictated by narrow views: it is lawful to lend or borrow, at any rate, in maritime enterprises; as if the pretended dangers and pretended abuses, which render the indefinable evil, named usury, so much the object of dread, could only exist upon dry land, and depended upon the solidity or fluidity of the element, upon which the enterprises were carried on.

* In England, a capitalist cannot employ any portion of his capital in trade, without being considered a trader; and, consequently, responsible in the whole extent of his fortune. There is not statute law to this effect, but it said to be a rule of common law.

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many facilities would be afforded to men of genius! All classes of society would furnish assistance to inventive industry: those who wished to risk only a small sum, those who could annually dispose of a certain sum, would be enabled to engage in this species of lottery, which promised to yield them an interest above the ordinary rate. The most elevated classes might find an amusement in descending into the territories of industry, and there staking a small part of that wealth which they risk upon games of chance. The spirit of gaming, diverted from its pernicious direction, might serve to increase the productive energy of commerce and art.

There are some who are natural enemies to merit of every kind: every conquest achieved by industry, in the career of invention, is a loss to them; every discovery an injury. Common-place men have a common interest which they understand but too well; it is, that all should be common-place like themselves. It is to be regretted that, Adam Smith, in his "Wealth of Nations," a work which will rise in public estimation in proportion as genius shall be held in honour, should have furnished arms, which the adversaries of genius may direct against that work itself. It is to be regretted that, under the odious name of projects, a name applied to the most useful enterprises, even to the moment when they receive the sanction of success, they may there be seen indiscriminately stamped with the seal of opprobrium, and indiscriminately enveloped with contempt.

It is not only that he may prevent prodigals from obtaining money, but that he may prevent its reaching the hands of projectors, whom he places together upon the same level, that he ap-

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proves of the fixing of the rate of interest upon the footing upon which he found it. "If the legal rate of interest in Great Britain, for example, was fixed so high as 8 or 10 per cent. the greater part of the money, which was to be lent, would be lent to prodigals and projectors, who alone would be willing to give this high interest. Sober people, who will give for the use of money no more than a part of what they are likely to make by the use of it, would not venture into the competition. A great part of the capital of the country would thus be kept out of the hands which were most likely to make a profitable and advantageous use of it, and thrown into those which were most likely to waste and destroy it. Where the legal rate of interest, on the contrary, is fixed but a very little above the lowest market rate, sober people are universally preferred as borrowers to prodigals and projectors. The person who lends money gets nearly as much interest from the former as he dares to take from the latter, and his money is much safer in the hands of the one set of people than in those of the other." *

This is not the only passage in which this author attacks projectors (see b. i. ch. iv.); but it is here that he attacks them more directly; whilst as to *prodigals*, it has been elsewhere shewn that it is not to them that money is lent, or that any are willing to lend at extraordinary interest. Friends will either not lend at all, or will lend at the ordinary rate. Strangers will only lend to those who are without industry, upon security. But he who has security to offer, has no need to give a halfpenny more, because he is a prodigal. It is upon his security that the money will be lent, and not

* Wealth of Nations, b. 2. ch. iv

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upon his character. Whether the security offered be present or future, certain or contingent, produces no difference; a future or contingent security by means of a valuation, becomes as good a pledge as if it were present or certain. In a word, if money be lent upon the industry of the borrower, it is lent not to a prodigal, but to a projector. It is therefore upon the latter class alone, that the burthen of these prohibitory laws presses.

An opinion which derives all its force from the authority of the individual who publishes it, cannot be better combatted than by that authority itself.

1. The prosperity of England has been progressive ever since the number of projectors has been not only in an uninterrupted, but in an accelerated state of increase. 2. The aggregate of the good economy has always been greater than the aggregate of the bad. 3. With respect to commerce, each individual is a better judge of his own interests than government can be for him. And 4. General laws must be much more defective with respect to commercial regulations. The members of a government may take notice of particular cases, but general laws can never regard them.

These are the general propositions of the work of Adam Smith. Truths precious and irrefragable, which no one has more successfully laboured to unfold than this illustrious politician. But if these principles are followed out, no laws ought to exist for the restraint of projectors, and for preventing them from obtaining the capital of which they stand in need.

The censure which condemns projectors falls upon every species of new industry. It is a general attack upon the improvement of the arts and

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sciences. Every thing which is *routine* to day was originally a *project*. Every manufacture, how *old* soever it may be, was once *new;* and when new, it was the production of that *mischievous* and bold race who ought to be destroyed race of projectors!—

I know not what can be replied to this, unless it be said, that the past projects have been useful; but that all future projects will not be so. Such an assertion would, however, require proof, strong in proportion to its opposition to general opinion. In every career, experience is considered as worth something. The warning to be derived from past failures may contribute to future security, if not to success.

Were it even proved, that no projector ever engaged in a new branch of industry without being ruined, it would not be proper to conclude, that the spirit of invention and of projects ought to be discouraged. Each projector, in ruining himself, may have opened a new path, by which others may have attained to wealth. So soon as a new dye, more brilliant or more economical than the old ones, a new machine, or a new practice in agriculture has been discovered, a thousand dyers, ten thousand mechanicians, a hundred thousand agriculturists may reap the benefit: and then—though the original author of the invention have been ruined in the bringing the discovery to perfection—as it respects the national wealth, of what consequence is this, when considered as the price of so much gain?

That restrictions of this nature are inefficacious, has been successfully shewn by Adam Smith himself.* But if inefficacious, this is sufficient reason

* See b. i. ch. ix.

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for their condemnation: unless they effect the purpose designed, the are positively mischievous.

They tend, in the first place, to drive away useful projectors. I do not say that they drive away all; had that been the case, we should not have attained our present degree of prosperity. But they drive away a part. Unhappily we cannot know what part, nor how great a part of their number. The talent required for operating upon matter, or directing the powers of nature, is extremely different from that required for operating upon the mind,—the talent of meditating in a study, and thereby making discoveries, from that requisite for making known those discoveries to the world. The chance of success in the career of invention is in proportion to the talent of the individual; the chance of obtaining a loan of capital from another to make an invention productive, is in proportion to his reputation. But this latter, far from being in direct, is naturally in inverse proportion with the former. The more unaccustomed an individual is to society, the greater his dread of mingling in it, the less is he at his ease; the less is he master of his faculties when he is obliged to mingle with it. The effect produced upon the mind of the individual who has, or who supposes that he has, made a great discovery, is a mixture of pride and timidity, both which feelings concur in alienating the minds of men, and diminishing the probability of success in every enterprize, in as much as it may depend upon the degree in which such individual succeeds in rendering himself and his projects estimable in the eyes of others. This pride has for its cause the superiority which he believes himself to possess above them; this timidity is caused by the faint hope he possesses of making them sensible of this superiority. But

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though pride united with courage is one of the most powerful means of subjugating men, pride united with timidity is one of the most certain causes of exposure to their aversion and contempt. That disposition which, under the name of modesty, is so much praised as a companion well adapted to the introduction of true merit, and which is so necessary when inferiority of situation will not allow the employment of boldness in the service, is not true timidity, but skill which has learnt to assume this appearance; it is skill, which to strength, and consciousness of that strength, unites the knowledge of when, and how, and in what sense, and in what proportion this strength ought to be displayed, for the most favourable exhibition of its pretensions; and when, and how, and in what sense it ought to be hidden, that the protector whose assistance is desired, may enjoy the feeling of his own superiority. If ever timidity has effected anything at the expense of that assurance which assumes its appearance, it has been when allied with beauty, which causes everything to be forgiven, and which nothing can resist. Separated from this powerful protectrix, it labours in grief, in darkness, in awkwardness, embarrassment, and false shame; the bugbears of love and of esteem, but the frequent and afflictive companions, and most cruel enemies, of merit and solitary genius.

Not to speak of the obstacles which oppose the progress of an inventor encumbered with his rojects and his wants, before he reaches the antichamber of the rich, or the noble whom it may be necessary to persuade, suppose these obstacles overcome, and that he is admitted to their presence; how will the poor inventor, the necessitous man of genius behave when he has arrived

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there? Oftentimes he will lose his presence of mind, forget what he was about to say, stammer out some unconnected propositions, and finding himself despised, indignant that his merit should be thus treated, he will retire, resolving never again to expose himself to such an adventure; and even when he is not devoid of courage, there is nothing more different, though in certain points the connection may appear most intimate, than the talent of conceiving new ideas of certain kinds, and the talent of developing these same ideas: altogether occupied with the idea itself, the inventor is most frequently incapable of directing his attention to all the accessories which must be re-united before his invention can be understood and approved; his attention being entirely occupied with what is passing in his own mind, he is incapable of attending to what passes in the minds of others; incapable of arranging and directing his operations, so that he may make the most favourable impression upon them.

Thus the ingenious philosopher, who has delivered the most excellent instructions respecting the art of developing the thoughts of others, and who possessed in so perfect a degree the talent of developing his own, well knew how necessary it was, that in every career of invention, except that of eloquence, minds should be attended by an accoucheur. How many difficulties did not Diderot experience in effecting this development, he who possessed this talent in so excellent a degree, where the two parties were agreed, had a common interest and were equally well disposed! How numerous were the difficulties experienced by the ingenious artists of every description to whom he applied in making him comprehend the fruits

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of their studies, when they had for their interpreter the man the most capable and the best disposed to understand them! How much more difficult would they have found it had they been applicants for the assistance necessary to render their projects available to a rich ignoramus, filled with the idea of the necessity which existed for his assistance, and puffed up with that pride which commonly accompanies wealth, when unattended by that politeness which education teaches, and full of that distrust which a poor projector cannot fail to inspire in the mind of an individual favoured with the gifts of fortune!

Should the inventor succeed in making his plan understood, he will still find it difficult to make the interest of the capitalist accord with his desires; it is in this respect that the prohibition displays its mischievous qualities. How shall the poor inventor dare to propose a loan at the ordinary rate of interest? This rate may at all times be obtained without risk. Where then would be the advantage to the capitalist in such a bargain? Is it possible that it could be otherwise than disadvantageous to him? A loan at the ordinary rate of interest cannot be hoped for; it is only to a most intimate friend that such a loan would be granted. Deprived of this resource, how shall he dare to propose to the individual whose assistance he seeks, to expose himself to the rigour of the laws? Scarcely daring to ask for the assistance he needs, upon the most secure and unexceptionable conditions, how shall he propose conditions which the laws consider criminal? Whilst there are laws against usury, it may be said, there will still be usury. Yes, and whilst there are laws against theft, there will still be

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thieves: does it follow that the laws which forbid theft are without effect, and that theft is as common as if these laws did not exist?

In the same proportion as the tendency of these prohibitory laws is unfavourable to true merit in the career of invention, is it favourable to the cheat which assumes the appearance of merit, were it only by the advantage given to imposture, by preventing merit from entering into the competition. The essential requisite is not merit, but the gift of persuasion: this gift most naturally belongs to the superficial man, who knows the world, half enthusiast and half rogue; and not to the studious and laborious individual, who is only acquainted with the abstract subjects of his studies. It is true, that at all times truth possesses powerful advantages; but these advantages are less in proportion as the career to which it relates is more removed from the ordinary routine, respecting which, ordinary minds are capable of forming a judgment upon what is presented to them. It has therefore happened, that of all projectors, those have been treated with the greatest confidence, whose projects are now known to have been founded upon no basis of truth. Were it possible to ascertain the amount furnished under the existing laws against usury by capitalists, to the authors of useful and practicable projects, it would most probably be found less than the amount which in the same space of time has been drawn by the professors of alchemy from the avaricious credulity of the ignorant or half learned.

Truth possesses, however, this advantage over error of every kind: it will ultimately prevail, how frequent or how deplorable soever may have been the disgraces it has undergone. This error respecting prohibitory laws is nearly discredited;

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this source of delusion is nearly closed for ever. As the world advances, the snares, the traps, the pitfalls, which inexperience has found in the path of inventive industry, will be filled up by the fortunes and the minds of those who have fallen into them and been ruined: in this, as in every other career, the ages gone by have been the forlorn hope, which has received for those who follow them the blows of fortune. There is not one reason for hoping less well of future projects than of those which are passed; but here *is one* for hoping better.

The more closely the reasons, on account of which Adam Smith would have desired to discourage projectors, are examined, the more astonishing it appears that he should have so widely deviated from the principles he had himself laid down. It is probable, that his imagination had been pre-occupied with the idea of certain incautious or dishonest projectors, the history of whose proceedings had fallen under his own observation, and that he had a little too promptly taken these few individuals as exact models of the whole race. To preserve himself from the error of too hasty and indiscriminate generalizations, never to allow any proposition to escape without having made all the reservations necessary to confine it within the limits of the exact truth, is the last boundary, and even now the ideal boundary of human wisdom.*

* Adam Smith, after having read the letter upon *Projects*, which was addressed to him, and printed at the end of the first edition of "The Defence of Usury," declared to a gentleman, the common friend of the two authors, that he had been deceived. With the tidings of his death, Mr. Bentham received a copy of his works, which had been sent to him as a token of esteem.

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Nothing would more contribute to the preliminary separation of useless from useful projects, and to secure the labourers in the hazardous routes of invention from failure, than a good treatise upon projects in general. It would form a suitable appendix to the judicious and philosophical work of the abbé Condillac upon Systems. What this is in matters of theory, the other would be in matters of practice. The execution of such a work might be promoted by the proposal of a liberal reward for the most instructive work of this kind.

A survey might be made of the different branches of human knowledge; and what each presents as most remarkable in this respect might be brought to view. Chemistry has its philosopher's stone; medicine its universal panacea; mechanics its perpetual motion; politics, and particularly that part which regards finance, its method of liquidating, without funds and without injustice, national debts. Under each head of error, the insuperable obstacles presented by the nature of things to the success of any such scheme, and the illusions which may operate upon the human mind to hide the obstacles, or to nourish the expectation of seeing them surmounted, might be pointed out.

Above all, dishonest projectors, impostors of every kind, ought to be depicted: the qualities of mind and character which they possess in common should be described; their volubility, their rapidity, that lightness, natural or affected, with which they treat the arguments opposed to them; that manner which they have, and which it is necessary they should have, of declaiming, instead of analysing and reasoning; of flying off in tangents when they are pressed—of giving birth to incidents; of pretending to be tired with the spe-

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cies of opposition they experience; of attaching themselves to the manner in which questions and doubts, or arguments, are proposed to them, instead of to the foundations of things themselves; of complaining of the prejudices which they pretend are experienced against them; and in quitting the ground under those circumstances, in which, if they were sincere, it would be most proper for them to maintain themselves there.

But throughout the whole work, that tone of malignity, which seems to triumph in the disgraces of genius, and which seeks to envelop wise, useful, and successful projects, in the contempt and ridicule with which useless and rash projects are justly covered, should be guarded against. Such is the character, for example, of the works of the splenetic Swift: under the pretence of ridiculing projectors, he seeks to deliver up, to the contempt of the ignorant, the sciences themselves. They were hateful in his eyes on two accounts: the one because he was unacquainted with them; the other, because they were the work, and the glorious work, of that race which he hated ever since he had lost the hope of governing part of it.

The projectors who seek to deceive ought to be unmasked; those who are deceived, to be instructed: the interests of science and justice equally demand that they should be distinguished. I cannot discern what purpose ridicule can serve, if it be not to confound the distinction between useless and useful projectors.

In conclusion, some general counsels might be added for the use of those who, little versed in the fundamental sciences in which the respective projects take their rise, may find themselves in a situation to be addressed by the author of a project, with the design of obtaining their assistance.

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In effect, it is true that the whole work would be a collection of more or less approved counsels; but, in making the recapitulation, some general remarks might be added, which would not have been suitable elsewhere, but which might be particularly useful here. They might, for example, be advised to apply to those learned individuals who would be able to supply their ignorance: the class of learned men who ought to be found competent judges in each department might be pointed out. Instructions might be furnished to enable them to judge of the counsels of the judges themselves, by warning them of the interests and prejudices, to the seduction of which these judges may themselves be exposed.

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APPENDIX.

(A.) Book I. ch. viii. p. 62.

On Subscriptions to Matters of Opinion.

Of the two English Universities, Oxford is the most ancient and most dignified. Of its numerous statutes which are penned in Latin, as many as fill a moderate duodecimo volume are published, as the title page declares, for the use of youth: and of these care is taken, (for the honour of the government let it be spoken) that those, for whose observance they are designed, shall not, without their own default, be ignorant: since, at every man's admission, a copy is put into his hands. All these statutes, as well those that are seen as those that are not seen, every student at his admission is sworn in Latin to observe, "So help me God," says the matriculated person, "touching as I do the most holy Gospel of Christ."*

The barbers, cooks, bed-makers, errand-boys, and other unlettered retainers to the university, are sworn in English to the observance of these Latin statutes. The oath thus solemnly taken there has not, we may be morally certain, for a course of many generations, perhaps from the first era of its institution, been a single person that has ever kept. Now, though customary, it is perhaps not strictly proper, as it tends to confusion and

* Tu fidem dabis ad observandum *omnia* statuta, privilegia, et consuetudines hujus universitatis *Oxon.* Ita te Deus adjuvet, tactis sacro sanctis Christi evangeliis.—*Parecbolæ sive Excerpta e Corpore Statutorum*, p. 250, Oxon. 1756.

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to false estimates, to apply the term *perjury*, without distinction, to the breach of an assertive and to that of a promissive declaration—to the breach of an oath and to that of a vow, and to brand with the same mark of infamy a solemn averment, which at the time of making it was certainly false,—and a single departure from a declared resolution, which at the time of declaring it might possibly have been sincere.* But, if they themselves are to be believed who have made the oath, and who break it,—the university of Oxford, for this century and half has been, and at the time I am writing is, a commonwealth of perjurers. The streets of Oxford, said (the first) Lord Chatham once, "are paved with disaffection." That weakness is outgrown: but he might have added then (if that had been the statesman's care) and any one may add still, "and with perjury." The face of this, as of other prostitutions, varies with the time: purjurers in their youth, they become suborners of perjury in their old age.

It should seem that there was once a time, when the persons subjected to this yoke, or some one on their behalf, began to murmur: for, to quiet such murmurs, or at any rate to anticipate them,—a practitioner, of a faculty now extinct, but then very much in vogue,—a physician of the soul, a *casuist*, was called in. His prescription, at the end of every one of these abridged editions of the statutes; his prescription, under the title of *Epinomis seu explanatio Juramenti, &c.* stands annexed.† This casuist is kind enough to inform you, that though you have taken an oath indeed, to observe *all* these statutes—and *that* without exception, yet, in ninety-nine instances out of a hundred, it amounts to nothing. What, in those instances you are bound to do is—not to keep your oath, but to take your choice whether you will do that or suffer—not to do what you are bid; but, if you happen to be found out (for this proviso, I take for granted, is to be supplied) to bear the penalty. For—what now do you think your sovereign seriously wishes you to do, when he

* "Statuimus," say these reverend legislators, "idque sub pœna perjurii," in a multitude of places.

† The title at length is *Epinomis seu Explanatio Juramenti quod de observandis Statutis Universitatis a singulis præstari solet: quatenus scilicet, seu quousque obligare jurantes censendum est.*

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forbids you to commit murder? that you should abstain from murder at all events? No surely; but that, if you happen to be found out and convicted, you should sit quiet while the halter is fitted to your neck.

Who is this casuist, who by his superior power washes away the guilt from purjury, and controuls the judgments of the Almighty? Is it the legislator himself? By no means. That indeed might make a difference. The sanction of an oath would then not with certainty be violated; it would only with certainty be profaned. It was a Bishop Saunderson, who in the bosom of a Protestant church, before he was made a bishop, had set up a kind of confessional box, whither tender consciences repaired from all parts to heal their scruples.

This institution, whether it were the fruit of blindness or of a sinister policy, has answered in an admirable degree some, at least, of the purposes for which it was probably designed. It has driven the consciences of the greater part of those by whom the efficient parts of government are one day to be filled, into a net, of which the clergy hold the cords. The fear and shame of every young man of sense, of spirit, and reflection, on whom these oaths are imposed, must at one time or other take the alarm. What! says he to himself, am I a perjurer? If he asks his own judgment, it condemns him. What then shall he do? Perjury, were it only for the shame of it, is no light matter: if his education has been ever so loose, he has frequently heard it condemned; if strict and virtuous, he has never heard it mentioned without abhorrence. But, when he thinks of the guilt of it, hell yawns under his feet. What then shall he do? Whither then shall he betake himself? He flies to his reverend instructors in a state of desperation. "These men are older than myself," says he, "they are more learned, they are therefore wiser: on them rests the charge of my education. My own judgment, indeed, condemns me; but my own judgment is weak and uninformed. Why may not I trust to others? See, their hands are outstretched to comfort me! Where can be the blame in listening to them? in being guided by them? in short, in surrendering my judgment into their hands? Are not they my rulers, my instructors?

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On Subscriptions to Matters of Opinion.

the very persons whom my parents have appointed to take charge of me, to check my presumption, and to inform my ignorance? What obligation am I under, nay what liberty have I to oppose my feeble lights to theirs? Do they not stand charged with the direction of my conscience? charged by whatsoever I ought to hold most sacred? Are they not the ministers of God's word? the depositaries of our holy religion? the very persons, to whose guidance I vowed, in the person of my godfathers and godmothers, to submit myself, under the name of my spiritual pastors and masters? And are they not able and willing to direct me? In all matters of conscience, then, let me lay down to myself the following as inviolable rules:—not to be governed by my own reason; not to endeavour at the presumptuous and unattainable merit of consistency; not to consider whether a thing is right or wrong in itself, but what *they* think of it. On all points then let me receive my religion at their hands; what to them is sacred, let it to me be sacred; what to them is wickedness, let it to me be wickedness; what to them is truth, let it to me be truth; let me see as they see, believe as they believe, think as they think, feel as they feel, love as they love, fear as they fear, hate as they hate, esteem as they esteem, perform as they perform, subscribe as they subscribe, and swear as they swear. With them is honour, peace, and safety; without them, is ignominy, contention, and despair." Such course must every young man, who is brought up under the rod of a technical religion, distinct from morality and bestrewed with doubts and dangers, take on a thousand occasions, or run mad. To whom else should he resort for counsel? to whom else should he repair? To the companions of his own age? They will laugh at him, and call him methodist: for many a one who dreads even hobgoblins alone, laughs at them in company. To their friends and relations who are advanced in life, and who live in the world? The answer they get from them, if they are fortunate enough to get a serious one, is—that in all human establishments there are imperfections; but that innovation is dangerous, and reformation can only come from above: that young men are apt to be hurried away by the warmth of their

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temper, led astray by partial views of things, of which they are unable to see the whole: that these effusions of self-sufficiency are much better repressed than given way to: that what it is not in our power to correct, it were better to submit to without notice: that prudence commands what custom authorises—to swim quietly with the stream: that to bring matters of religion upon the carpet, is a ready way to excite either aversion or contempt: that humanity forbids the raising of scruples in the breasts of the weak,—good humour, the bringing up of topics that are austere,—good manners, topics that are disgusting: that policy forbids our offending the incurious with the display of our sagacity, the ignorant with the ostentation of our knowledge, the loose with the example of our integrity, and the powerful with the noise of our complaints: that, with regard to the point in question, oaths, like other obligations, are to be held for sacred or insignificant, according to the fashion: that perjury is no disgrace, except when it happens to be punished: and that, as a general rule, it concerns every man to know and to remember, as he tenders his peace of mind and his hopes of fortune, that there are institutions, which though mischievous are not to be abolished, and though indefensible are not to be condemned.

A sort of tacit convention is established: "give your soul up into my hands—I ensure it from perdition. Surely the terms, on your part, are easy enough: exertion there needs none: all that is demanded of you is—to shut your eyes, ears, lips, and to sit quiet. The topic of religion is surely a forbidding enough, as well as a forbidden topic: all that you have to do then, is to think nothing about the matter; look not into, touch not the ark of the Lord, and you are safe."

(B.) Book I. ch. viii. p. 62.

Mischievousness of Reward latent—Exemplifications.

When a reward is groundless, it may be either simply groundless, or positively mischievous: the act, which it

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is employed to produce, may be either simply useless, or pernicious.

It would be a nugatory lesson to say, that reward should not be applied to produce any act, of which the tendency is acknowledged to be pernicious: and this, whether such act have been aggregated to the number of offences or not. The only cases which it can be of any use, in this point of view, to mention, are those in which the mischievousness of the act, or the tendency of the reward to produce it, is apt to lie concealed.

To begin with the cases, which come under the former of these descriptions: those in which the mischievousness of the act is apt to lie concealed. One great class of public services, for which rewards have been or might be offered, are those which consist in the extension of knowledge, or according to the more common, though obscure and imposing phrase, the discovery and propagation of truth. Now there is one way in which rewards offered for the propogation of truth (that is, of what is looked upon, or professed to be looked upon, as truth) cannot but have a pernicious tendency: and *that* of whatever nature be the proposed truth. A point being proposed, concerning which men in general are thought to be ignorant or divided, if a man sincerely desired that the truth relative to that point should be ascertained, and in consequence of that desire is content to furnish the expense of a reward, the natural course is—to invite men to the enquiry. "How stands the matter? Which of the two contradictory propositions is the true one?" To a question of some such form as this, he requires an answer. The service then to which he annexes his reward, is the giving an answer to a question; such an answer as upon examination shall appear to be a true one, or to come nearest to the truth. The tendency of a reward thus offered, to produce the discovery of the truth, is obvious: the tendency of it will, at least, be to produce the discovery of what to him, who puts in for the reward, shall appear to be truth. What else should it tend to produce? My aim being to establish what to you shall appear to be the truth, what other means have I of doing this, but by advancing what appears to me to

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be so? Accordingly, thus to apply the reward, is to promote a sincere and impartial enquiry, and to pursue the best, and indeed only course that by means of artificial reward can be pursued for promoting real knowledge.

Another course, which has been sometimes taken, is—to assume the truth of the one of two contradictory propositions, that may be framed concerning any object of enquiry,—and to make the demonstration of the truth of that proposition the condition of the reward. In this course the tendency of the reward is pernicious. The habit of veracity is one of the great supports of human society: a virtue which in point of utility ought to be, and in point of fact is, enforced in the highest degree by the moral sanction. To undermine that habit, is to undermine one of the principal supports of human society. The tendency of a reward thus offered *is* to undermine this virtuous habit, and to introduce the opposite vicious one. The tendency of it may be to produce what is called logical truth, or not, as may happen: but it is, at any rate, to produce ethical falsehood: it may tend to promote knowledge or error, as it may happen; but it tends, at any rate, to promote *mendacity*. The proposition either is true or it is false: and, be that as it may, men are either agreed about its being true, or they are not. In as far as they are agreed, the reward is useless; in as far as they are not, it tends to make them act as if they were, and is pernicious.

It may be said—no: all that it tends to do, at least all that it is designed to do, is to call forth such, and such only, whose opinion is really in favour of the proposition, and to put them upon giving their reasons for it: it is not to corrupt their veracity, but to overcome their indolence. But whatever may be the design, the former is in fact its tendency. On the one side, they have reward to urge them; on the other, they have impunity to permit them. For, when a man declares that his opinions on a given subject are so and so, who can say that they are other wise? Who can say with certainty, what are a man's private opinions? And, if the effect is bad, what signifies the intention? Or how, indeed, can the intention be

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pure, if it be seen that the effect is likely to be a bad one?

Thus would it stand, were it *doubtful* whether there are any persons or no, whose unbiassed opinions are on the opposite side to that on which the demonstration is sought to be procured. But the case always is, that it is *clear* there are such persons: that it is the very persuasion of there being such, that is the cause of offering the reward; and that the more numerous they are, the more likely it is to be offered, and the greater it is likely to be. Such then is the danger of promoting mendacity: to avoid which danger, it may be laid down in short terms, as a general rule, that *Reward should be given, not for demonstration, but for enquiry.*

More than this, a reward thus applied tends always, in a certain degree, to frustrate its own purpose; and is so far, not only inefficacious, but efficacious on the other side. It does as good as tell mankind—that, in the opinion of him at least by whom the reward is offered, the probability is, that men's opinions are most likely to be on the opposite side; and in so far gives them reason to think, that the truth is also on that opposite side. "People in general," a man will naturally say to himself, "are not of this way of thinking: if they were, what need of all this pains to make them so?" This then affords another reason why reward should be given—not for demonstration but for enquiry.

Such, accordingly, has been the course pursued in relation to almost every branch of science, or supposed science. The science, or supposed science of divinity, furnishes exceptions, which are perhaps the only ones. What should we say to a man who should seek to promote physical knowledge by such devices? What should we say to a man, who instead of setting men honestly and fairly to enquire *whether*, in regard to living powers, for example, the momentum were in the simple or in the duplicate proportion of the velocity; whether heat were a substance, or only a quality of other substances; whether blunt or pointed conductors of electricity were the safest; should pay them for endeavouring to prove—*that*

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in living forces, the momentum is in the simple proportion only, that heat is only a quality, and that blunt conductors are the safest?

In divinity, however, examples of this method of applying reward are frequent.

It may be said, that an exception ought to be made from the rule, in the cases wherein, whichever side the truth may be, the utility is clearly on the side thus favoured. Thus, there is use, for instance, in the people's believing in the being and attributes of a God: and *that* even in a political view, since upon that depends all the assistance which the political can derive from the religious sanction: and that there can be no use in their disbelieving it. That there is use again, in the people's believing in the truth of the Jewish prophecies; since upon that depends one argument in favour of the truth of that history, the truth of which is one main ground of men's expectation of the rewards and punishments belonging to that sanction. This observation certainly deserves great attention. It exhibits a reason which there may be for making an exception to the rule. It does not, however, invalidate the arguments adduced, as above, in favour of it: it does not disprove the probability of the mischiefs on the apprehension of which it is grounded. What it does, is to exhibit a benefit as to acting in balance against these inconveniences. If then the interests of religion be at variance with those of virtue, and it be necessary to endanger the one, in order to promote the efficacy of the other,—so then it must be.

It is to be observed, that all the advantage which can accrue to the cause from this manœuvre, is composed of the difference between what it may derive from these hireling advocates, and what, were there no such artificial encouragement given, it would derive from volunteers. On this head it may be worth considering, whether the calling forth of the one does not contribute to prevent the enlistment of the other. "What need is there for me, a stranger, to give myself the trouble, when there are so many others whose particular business it is, and who are so well paid for it?" Of this sort is the language,

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which a man will very naturally hold with himself on such occasions.

A strange circumstance it would be indeed,—and one which would afford no very favourable presumption either of the truth or of the utility of the cause which it is meant to favour,—if all the unbiassed suffrages of any considerable majority in number or value of the thinking men should, if left to themselves, be on the opposite side. Great, indeed, must be the penury of unbought advocates, that can make it advantageous,—I do not say merely to the cause of truth, but to any cause, however wide of the truth,—to apply to mercenaries for assistance. Of how little weight the suffrages of the latter are in comparison of those of the former,—let any one judge, who has observed the superior eclât with which the work of a layman is received, when it happans to be on the side of orthodoxy.

But, however the matter may stand with regard to questions of political importance, in which utility is clearly on one side,—whatever reason there be for violating the law of impartiality in this case, it ceases altogether when applied to the merely speculative points, which form the matter of those articles of faith, to which, on a variety of occasions, subscriptions or other testimonies of acceptation are required. These will serve as one set of instances of the other branch of the cases, where the mischievous effects of reward are apt to lie concealed: viz. where, in the case of a line of conduct produced by a reward, apparent or no, the tendency of the reward to produce it is apt not to be apparent at first glance; inasmuch as it may escape observation, that the advantage held forth acts to this purpose in the capacity of a reward.

For an emolument to operate in the capacity of a reward, so as to give birth to action of any kind, it is not necessary that it should be designed so to do. Whenever any such connexion is established, between emolument on the one part, and a man's conduct on the other, that by acting in any manner, he sees that he acquires an emolument, or chance of emolument, which without acting in such manner he could not have,—the view of

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such emolument will operate on him in the capacity of a reward. It matters not, whether it be the sole act which is to entitle him to the reward, or only one act amongst many. It matters not, whether it be the act to which the reward is professedly annexed, or any other act of which no mention is made. It may not be held up to view in that character: it may even be not held up to view at all. In this unconspicuous way an emolument may operate, and in a thousand instances does operate, in the capacity of a reward, on a long and indefinite course of action; in short, on the business of a whole life. Whenever, on the part of the same person, two acts are so connected, that the performance of the one is necessary to his having it in his power to perform the other, a reward annexed to the latter operates eventually as if annexed to the former; and, whether designedly or not, it promotes the production of the one act as much as of the other. In this case, the having performed the prior act is said to be a *qualification* for the being permitted to perform the posterior. The emolument annexed to the act professedly rewarded, is therefore, in this case, as much a reward for assuming the qualification, as a reward for performing the act, for the performance of which a man is required to qualify himself by the performance of the other.

In England (for I will go no farther) the subscribing a declaration of this sort is made a qualification for many of the principal emoluments to which a man can aspire: for every preferment in the church; for the liberty of engaging in the instruction of youth; for admission to the benefits of that mode of education which is looked upon as most liberal and advantageous, and thereby to the enjoyment, or the chance of the enjoyment of any one of that ample stock of emoluments, which have been provided in the view of inducing young persons to put themselves in the way of that favourite mode of education. The articles, or propositions, to which this subscription is required, are termed Articles of Religion. By subscribing to these articles a man declares, that he believes the truth of certain facts which they aver. Among these facts there are many, which, whether true

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or not (a point which is nothing to the present purpose) are plainly, in a political view, of no sort of importance whatsoever. I say of no importance; since they contribute nothing to the furnishing either of any motive to prompt to action, or of any rule or precept to direct it. Be they true, or be they false,—nothing is to be done in consequence; nothing to be abstained from.

The mischievous tendency, which the giving a reward has in this case, is much more palpable than what it has in the other; because the probability of its giving birth to falsehood is the greater.

1. In the case of demonstrative lectures, all that it is absolutely necessary a man should do, is—simply to state the arguments, in favour of the proposition in question; he does not necessarily assert his own belief of the truth of it. "Such are the reasons," he may say, "which induce other people, and which, if attended to, may perhaps induce you to believe it: whether they are conclusive or not, it lies upon you to judge: as to myself, whether I myself believe it or no, is another matter. I do not tell you: I am not bound to tell you." In the case of subscription, he directly, plainly, and solemnly says—I believe it.

2. In the next place, the probability of falsehood is much greater in this case than in the other. In the case of demonstrative lectures, men are reasoned with, *lest* otherwise they should not believe. In the case of subscriptions, men are rewarded for subscribing, because it is known many do not believe. Had men never disbelieved or doubted, they never would have been called upon to subscribe. It would have been useless and needless; nor would any one have thought of it.

Those who are inclined to place in the most favourable point of view the political efficacy of subscriptions to such articles, have called them *articles of peace:* as if there were nothing more in saying, I believe this proposition, than in saying, I engage not to say anything that tends to express a disbelief of it.

They would have been much better named had they been termed *articles of war.*

In regard to speculative opinions, there are but two cases in which men can be said to be at peace:—when

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they think about it, and are of the same opinion; and when they think nothing about the matter: unless we reckon as a third, that of their thinking about it, and differing about it, and not caring about the difference. That the expedient in question has no tendency to promote peace of the first kind has been already shown. It is equally clear, that it has none to produce peace of either of the two other kinds. The tendency of it is just the contrary. If left to himself, there is not one person in a hundred who would ever trouble himself about the matter. Of this we may be pretty certain. What motive should he have? What should lead him to it? What pleasure or what profit is there to be got by it? If left then to themselves, the bulk of mankind,—or, to speak more properly, the bulk of those whom it is proposed thus to discipline,—would think nothing about the matter. They would therefore be in a state of the profoundest and most lasting peace. If this should not be granted, at least it will be granted, that it would be possible for them to be so. Subscriptions render it *impossible*. For making peace between men, subscriptions are just the same sort of recipe, that it would be for making peace between two mastiffs, to set a bone before them, and then tie them to the same stake.

When both parties are at liberty, both parties are at their ease, and there is peace between them. But when the stronger party says to the weaker,—"Stand forth and lie in the sight of God, or give up the choicest advantages of society, that we may engross them to ourselves," what sort of peace is it that can subsist between them? Just that sort of peace which subsists between the housebreaker and the householder, when the one has bound the other hand and foot and gagged him. It is not to be denied, but that there may be some sort of uneasiness between them in the first-mentioned state of things; to wit, where, neither of them being sacrificed, they are both at liberty, and both of them protected. But what sort of uneasiness is this? Just that sort of uneasiness which may, perhaps, subsist between two neighbours, at the thoughts that neither of them can break into the other's house. Against this sort of uneasiness, peace, it must be

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confessed, affords no remedy: but, from the possibility of there subsisting this sort of uneasiness between two neighbours, or two nations, who ever thought of speaking of them as not being at peace?

If this method of insuring peace were good in one case, how should it be otherwise in any other? Religion, or rather the nonsense which has been grafted on it—(for, the part that is capable of being made useful is not thus exposed to controversy)—religion, I say, is not the only topic which has given rise to controversy. So long as there is any man whose knowledge falls short of omniscience, and whose faculties are liable to error, men will have their differences: they will differ about matters of judgment, and about matters of taste: about the sciences, about the arts, about the ordinary occurrences of life: in short, about everything which has a name. It would then be making peace among the lovers of music to make them swear, before God, that they think the Italian style, or that they think the French style of music is the more pleasing: among the lovers of heroic poetry, that they think it best in blank verse, or that they think it best in rhyme: among the lovers of dramatic poetry, that the unities of time and place may be dispensed with, or that they must, at any rate, be observed. It would be making peace between an affectionate pair, to question them about every possible point of domestic management, till some slight diversity were found in their opinions, and then force one of them to swear, before God, that he was convinced his own opinion was the wrong one. It would be making peace——but surely by this time, the pacific tendency of this policy must be sufficiently understood.

Another mischievous effect of this policy is the tendency it has to vitiate the *understanding*. Over a man's genuine opinion, such forms, it has been shown, can have no influence: either his veracity must give way, or his understanding, or both: he must deceive either himself or others. A deceit of some kind or other he must put on somebody; either on himself or others. There is one thing which a man cannot do; that is, destroy the force of arguments which are actually present to his

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mind. There is another thing which he is enabled to do in a great measure; that is, keep them from getting there. This, accordingly, is what, if the consciousness of falsehood sits uneasy on him, he will labour to do with all his might. To believe, is not in his power: for, when all the arguments that have ever been urged, or can be devised in favour of the proposition, are collected and applied to his mind, and make no impression, what help is there? What may perhaps be in his power, is—not to disbelieve: and that, if possible, he will do. But thus to shut the right eye, if one may so say, of the understanding, and keep open only the left, is not the work of a minute nor of an hour. He must make many ineffectual attacks, and return as often to the charge. He must wage war against the stubbornness of the understanding: he must bring it under the dominion of the affections. He must debilitate its powers: he must render it incapable of placing, in a clear light, the difference between right and wrong. In a word, he must instil into his mind a settled habit of partiality and bad reasoning: a habit of embracing falsehood with facility, and regarding truth, not with indifference merely, but with suspicion, in the apprehension of being brought by it into trouble.

One might imagine, that it could not have both these bad effects at once: that if it have the one, it cannot have the other: if a man disbelieves, his understanding,—if he believes, his morals,—are yet safe. But, whoever thinks thus is led away by words: he does not understand aright the workings of the human mind. He supposes the mind fixed as between two rocks: whereas it is perpetually shaken, and tossed about, as by a thousand waves. He supposes a man at all times perfectly conscious of the state of his own mind: and aware of the momenta and directions of the incessantly fluctuating forces that are operating on him. But this is not the case with one man in a million, in any the least degree: nor perhaps with any man in perfection. Thus it is also with hypocrisy and fanaticism: it might naturally be imagined, that the one excludes the other; but repeated experience, and long continued observation, have at length

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opened the eyes of most men upon that head: and it seems now to be pretty generally understood, that these two seemingly incompatible bad qualities are found frequently in the same receptacle.

THE END.

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